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HOMES IN THE WEST;

AND

HOW TO OBTAIN THEM.

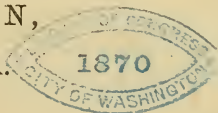
Containing copies of all the Homestead and Pre-emption Laws; with Instructions how to
Locate, Pre-empt, and Obtain Title to Public Lands;

WITH DESCRIPTION OF CLIMATE, SOIL, AND RESOURCES OF SOME OF THE LEADING
STATES OF THE WEST.

• COMPILED FROM OFFICIAL (AND OTHER RELIABLE) SOURCES BY

B. F. BROWN,

PITTSBURGH, PA.



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P R E F A C E .

THIS small volume is designed to give information at once interesting and reliable about some of the most promising of our Western States ; also, to assist parties in determining where to secure Homesteads, or to purchase desirable lands.

The Author hopes it will be kindly received, and that it will benefit those who seek new homes in the Far West.

PITTSBURGH, 1870.

CHAPTER I.

INTRODUCTION.

THE object of this small volume is to give a brief but, at the same time, interesting account of some of the leading States of the Great West, where the tide of immigration is tending so strongly; also to give soldiers and citizens information how and where to secure homesteads under the various homestead and pre-emption laws.

The following is a copy of the Act passed July 15th, 1870, entitled, "An Act making appropriations for the support of the army, for the year ending June 30th, 1871, and for other purposes," viz;

"SEC. 25. *And be it further enacted*, That every private soldier and officer who has served in the Army of the United States during the rebellion, for ninety days, and remained loyal to the government; and every seaman, marine, and officer or other person, who has served in the Navy of the United States, or marine in the Corps, or revenue marine, during the rebellion, for ninety days, and remained loyal to the government,—shall, on payment of the fee or commission to any Register or Receiver of any land office required by law, be entitled to enter one quarter section of land, not mineral, of the alternate reserved sections of public lands, along the lines of any one of the railroads or other public works in the United States, wherever public lands have been or may be granted by Act of Congress; and to receive a patent therefor under and by virtue of the provisions of the Act to secure homesteads to actual settlers on the public domain, and the

Acts amendatory thereof, and on the terms and conditions therein prescribed : and all the provisions of said Acts, except as herein modified, shall extend and be applicable to entries under this Act ; and the Commissioner of the General Land Office is hereby authorized to prescribe the necessary rules and regulations to carry this section into effect, and determine all facts necessary therefor."

By the provision of this Act, the Homestead Law of 20th May, 1862, and the Acts amendatory thereof, are so far modified as to allow entries to be made by the parties mentioned therein, of the maximum quantity of one quarter section, or one hundred and sixty acres of land, held at the double minimum price of \$2.50 per acre, instead of one half-quarter section, or eighty acres, as heretofore.

The Commissioner, in his instructions to Registers and Receivers, says: " In case of a party desiring to avail himself thereof, you will require him to file the usual homestead application for the tract desired, if legally liable to entry ; to make affidavit according to the form hereto annexed, instead of the usual homestead affidavit, and on his doing so, allow him to make payment of the \$10 fee stipulated in the Act of 20th May, 1862, and the usual commissions on the price of the land at \$2.50, the entry to be regularly numbered and reported to this office in your monthly homestead returns."

Regarding settlement and cultivation, the requirements of the law in this class of entries are the same as in other homestead entries.

The following is the required

Affidavit.

Land Office, at

(Date)

I, _____, of _____, having filed my application, No. _____, for an entry under the provisions of the

Act of Congress, approved May 20th, 1862, and desiring to avail myself of the 25th Section of the Act of July 15th, 1870, in regard to land held at the double minimum price of \$2.50 per acre, do solemnly swear that I am the identical _____, who was a _____ in the *Company commanded by Capt. _____ in the _____ Regiment of _____ commanded by _____, in the War of 1861; that I continued in actual service for ninety days, and have remained loyal to the government; that said application, No. _____, is made for my exclusive benefit, and for the purpose of actual settlement and cultivation, and not directly or indirectly for the use or benefit of any other person or persons, and that I have not heretofore had the benefit of the Homestead Law.

Sworn to and subscribed before me this _____ day of _____

(Register or Receiver of the Land Office.)

*Where the party was an officer, or in a different branch of the service, the affidavit must be varied to suit.

It will be seen by the foregoing that actual settlement is required of the soldier under the late Act of Congress, and the purpose of this work is to inform him where and how to locate and secure good homesteads. Want of space prevents a more detailed account of the different States.

I will endeavor to give brief statements of the climate, soil, and resources of some of our leading Western States, and have compiled the same from official and other reliable sources, so that statements herein made can be relied on as correct.

A strong effort will be made during the ensuing session of Congress to have the Act of July 15th, 1870, amended so as to allow soldiers greater privileges than now allowed them; and to accomplish this end, soldiers throughout the Country

should urge on their Representatives in Congress the passage of such an Act or amendment.

The views of the writer on this subject are, that Congress should allow the soldier the privilege of placing a representative on the land, and not insist on the soldier in person becoming an actual settler.

As it now is, many of our most deserving soldiers, those who are disabled by wounds and disease, are unable to derive any benefit from this land grant.

Provision should also be made for the heirs of deceased soldiers; as the law now stands they can receive no benefits from it.

It would not be policy for the government to issue Land Warrants as was done after former wars, as the number of persons to receive such warrants is now so great, that being anxious to realize on their warrants, the holders of the same would offer them at any and every price, and it would cause a derangement in the land business, that it would take years to overcome, and the land would pass into the hands of a few moneyed monopolists. On the other hand, the privilege of representation would allow all to reap the benefits intended for them, and the disabled soldier, widows, and orphans of deceased soldiers could, through their representatives, derive the benefits to which they are justly entitled, but now deprived of.

Therefore, let every soldier in the Country interest himself in this matter, and not trust to others, and they will succeed in having an Act passed by the next Congress, which will greatly benefit them all, and the land secured by them will, in a few years, bring them a handsome sum of money if they wish to dispose of the same; or, they will have good homes for themselves and their heirs, if they desire to settle upon it and improve it.

KANSAS.

KANSAS.

TIME was, when the stream of emigration from Europe and the over-populous Eastern States knew nothing of the fair fields of Missouri, or the beautiful plains of Kansas. Then the march westward was in higher parallels. So Michigan, Northern Illinois, Wisconsin, and the colder regions of Minnesota and Northern Iowa, were first occupied and settled. Kansas was a battle-field then, and Missouri, by reason of its slavery, was not thought of as a point for emigration.

The storm that hung over Kansas deterred thousands from sharing in her destiny. But now, smiling peace guarantees freedom, protection, and just laws to every man within her borders, and emigrants are forsaking the colder climes of more northern directions. The march of emigration is bending to the south-west, and has been for the last few years. People who live on the cold hills of New England, or on the northern side of Europe, seek, now that the way is open, for sunnier climes.

In Kansas, the winters are short, the springs early and beautiful, while in the North-western States the winters are long and cold, and stock has to be housed, and raised at comparatively great expense.

Kansas is one of the youngest and largest States of the Union. It was admitted as a State, January 1st, 1861, with a population of 107,000, which is now estimated at over 400,

000, and rapidly increasing. The State has a varying length from east to west of from 344 to 408 miles, with a breadth of 208 miles, embracing an area of 52,043,520 acres. Millions of acres are yet open for settlement. There being 21, 120,000 acres, over which the lines of public surveys have not yet been extended.

The State abounds in wild game of the prairies, and the rivers teem with fish—the black bass being very abundant. Here the true sportsman can find amusement and recreation with his dog and gun; or, when too much fatigued to hunt, he can turn his attention to the finny tribe, and, reclining on the bank of some stream, can soon fill his basket with choice fish.

There are nineteen cities and two hundred and ninety-seven towns in the State. The aggregate length of railroads completed is seven hundred and forty-four miles; in process of construction, two hundred and eighty-five miles; and projected, five hundred and eighty-seven miles.

Kansas as a State possesses great agricultural and other advantages, and now stands pre-eminently the first in the Union, and no other is attracting so much emigration. Farmers, mechanics, and laborers are thronging there in vast multitudes from almost every Country in the World, and rapidly occupying and cultivating her rich valleys and beautiful prairies.

The climate is exceedingly healthful; and this is one of the principal excellencies and inducements for settlement. The purity of the atmosphere makes it singularly beneficial to invalids, especially to those suffering from pulmonary diseases. There are no prevailing diseases, and consumption is almost unknown, and never originates here.

There are few marshes or stagnant pools, and the great plague common to all new Countries, namely ague, is of comparatively rare occurrence. The winters are very short,

lasting usually about three months, and are generally dry and very pleasant. Snow seldom lies on the ground longer than a few hours. Spring commences about the first of March, and vegetation shoots forth rapidly. The heat of summer, which is never extreme, is neutralized by the cooling and gentle breezes which almost constantly waft across the prairies; and the nights especially are thereby rendered pleasant and refreshing. Man and beast, after their day of toil, can there enjoy the sweet repose of sleep, so essential to health and strength, and rise in the morning invigorated and prepared for the work before them.

TIMBER. As a general thing this State is not well timbered, but along the streams, sufficient timber can be found for local purposes. The principal varieties of timber are ash, elm, black walnut, and cottonwood,—black walnut is in some places very abundant, and is used for all purposes, from fence rails and railroad ties to the finest furniture.

For building purposes magnesian limestone is an excellent substitute for timber; this stone is of light cream color, and when taken from the quarry, is quite soft, and can be worked by saws and planes into any desired shape; by exposure to the atmosphere it becomes quite hard. The State Capitol at Topeka, one of the most beautiful structures in the West, is built of this stone, many of the blocks weighing eight to ten tons.

Gypsum is found in Saline and adjoining counties. There are extensive deposits of this mineral, so valuable for building and fertilizing purposes. By a process of burning, similar to that of limestone, it can be manufactured into the finest quality of Plaster Paris.

A very fine quality of salt is manufactured in large quantities by the Continental Salt Company, one mile and a half from Solomon City, and twelve miles east of Salina. The works cover several acres, and the brine pumped from the wells produces, by evaporation, ten or twelve gallons of salt per barrel.

Among the numerous productions which can be grown in Kansas to advantage are, wheat, corn, rye, barley, oats, and sweet and Irish potatoes, and all kinds of garden vegetables. Wild fruits are very abundant, especially plums, gooseberries, blackberries, strawberries, and wild grapes; and from what has already been accomplished in the cultivation of fruit, it is clearly demonstrated that apples, pears, peaches, plums, cherries, &c., produce abundantly, and grapes are now being cultivated with the greatest success.

The abundant rains of April, May, and part of June, are conducive to a large and healthy growth, and the pure, warm, and dry atmosphere of the subsequent months secures the ripening of the grapes richly and soundly. Many vineyards have been planted, and Kansas is destined in a few years to become a great wine-producing State; and, no doubt, wine-making in the future will be one of the most lucrative pursuits.

Kansas is well adapted for stock-raising; the luxuriant grasses, and the vast area of unoccupied lands, together with the mild and open winters, are facilities for stock-raising which are unequalled by any other State in the Union. Thousands of cattle can be grazed the entire winter, in the valleys and along the streams, and the use of hay can be almost entirely dispensed with. Fifty thousand head are annually shipped East from Abilene, Solomon, Salina, and Ellsworth, where large cattle yards are established.

Manual employment is easily obtained; the wages for ordinary labor are from two dollars to two dollars and a half per day, and mechanical from three to five. A large amount of building is now going on, and carpenters and masons are in good demand. The prices of cattle, productions, &c., are about as follows, viz: Horses from seventy-five dollars upwards, a good farm horse will cost one hundred to one hundred and twenty-five dollars; mules are about the same price

as horses; milch cows are from twenty-five to fifty dollars; oxen, per pair, seventy-five to one hundred and fifty dollars; farm wagon \$115 to \$130. Lumber—white pine flooring, \$45 to \$56 per thousand; siding, \$28 to \$35; finishing, \$50 to \$75; shingles, \$5 to \$7 per thousand; lath, \$7.25 per thousand; and during the last two years, the prices paid for produce have ranged as follows: corn, per bushel in cob, from 35 to 60 cents; wheat, \$1.25 to \$2.25 per bushel; oats, from 40 to 50 cents per bushel; potatoes, from 40 to 80 cents per bushel.

The great demand for supplies by the forts and mining regions West, insure to the farmer on these lands a ready market and good prices for his produce

Coal is found in Bourbon, Allen, Linn, Miami, Franklin, Jackson, Doniphan, Nemaha, Pottawattomie, Washington, Clay, Osage, Woodson, and other counties, and in some districts in great abundance, though, as yet, has been but slightly developed. In Bourbon, coal underlies the whole extent of the county, the veins varying in thickness from 18 inches to 4 feet, cropping out on the surface in many places, and said to be often the best quality. In Allen, and Linn counties, the veins are from 2 to 6 feet thick, awaiting developments.

R I V E R S .

Kansas River—The Kansas River is the largest in the State, and one of the most beautiful streams of water in the West. It is formed by the junction of the Republican and Smoky Hill, near Junction City, in the central part of the State, and flows in an easterly direction for a distance of one hundred and fifty miles through a rich, fertile valley, from three to seven miles in width, and empties itself into the Missouri River at Wyandotte City, the eastern terminus of the Union Pacific Railroad. The Republican River comes

down from Colorado, through the north-western portion of the State, coursing in a south-easterly direction through a rich, wild region of country, for a distance of over three hundred miles. The Smoky Hill River derives its source from the confluence of several smaller streams in the eastern part of Colorado, and flows to the east through the central part of the State, to its junction with the Republican.

Neosho—The Neosho River rises near the centre of the State, and flows to the south-east through a rich agricultural and stock-growing country, emptying into Grand River, near the south-east corner of Kansas. The Neosho Valley is from three to seven miles in width, and contains some of the most beautiful, rich, and desirable lands in the State.

Arkansas—The Arkansas River, collecting the snows of the Rocky Mountains, flows in an easterly direction through the south-western part of the State, for a distance of three hundred miles.

Great Nemaha—The Great Nemaha rises in the north-central part of the State, and flows east, emptying into the Missouri River at the north-east corner of the State. There is a sufficiency of timber on its banks for all practical purposes.

Osage—The Osage courses through a fine region of country in Southern Kansas, about midway between the valleys of the Kansas and Neosho. The Pottawattomie and other smaller streams flow into the Osage. The valleys of these rivers contain some of the most valuable farms in the State.

Big Blue—The Big Blue, from Nebraska Territory, flows to the south through the north-central part of the State, emptying into the Kansas River at the city of Manhattan.

Solomon—The Solomon River rises in the north-western part of the State, flows in a south-easterly direction, and empties into the Smoky Hill River, about thirty miles west from Junction City.

There are several small rivers which it is not necessary for us to describe here.

The Missouri River washes the eastern shore of the State of Kansas for over one hundred miles. This river is navigable at all times, and is a source of great value to the State, especially to Leavenworth, Atchison, Wyandotte, White Cloud, Doniphan, and other cities that stand upon its banks.

The whole State is supplied with an abundance of pure, clear, cold water. Besides the clear running streams and cool refreshing springs in the different localities, the best quality of water is also obtained by digging wells on the high prairies, varying from ten to thirty feet in depth.

Along the river valleys the timber land is from three to ten miles in width, and from one to three hundred miles in length. The Osage Orange is used extensively for fencing purposes; its growth is so rapid, that during the third year it makes a fence of the most permanent and substantial character, at a very light expense to the farmer.

Kansas is destined to become one of the greatest stock-growing States of the West. Her rich soil, broad prairies covered with fine heavy grass, which during the fall months is cured by the sun into hay, the abundant supply of pure water, the easy and cheap facilities for procuring hay and other forage, the dry, mild, short winter seasons, and the gentle refreshing showers of summer, are only a few of the advantages afforded those engaged in this important enterprise.

Wool-growing is rapidly becoming one of the most profitable branches of industry. During the past two years large herds of sheep have been driven to the State from Ohio, Michigan, Indiana, Illinois, and Iowa. Herds of cattle and horses, owned by the Indians in Southern Kansas, feed on the prairie during the entire winter, and prove conclusively that Kansas, as a stock-raising State, is unsurpassed.

In the central and western portion of the State millions of buffalo, deer, and antelope roam upon the boundless prairies, supported during the winter by a fine delicate grass cured into hay. Where these wild animals subsist there can be no difficulty in raising domestic stock, since fifty sheep or five English cattle can be supported on what would be necessary for the sustenance of one buffalo.

The State also abounds in a great variety of other wild game, such as bears, wolves, wild cats, raccoon, rabbits, otter, mink, beaver, muskrats, prairie chickens, turkeys, geese, ducks, pigeons, quail, &c.

The late A. D. Richardson, speaking of the beauties of Kansas scenery, thus writes of it:

"I wonder if the Almighty ever made a more beautiful country than Kansas. Those green prairies, rolling like gentle swells of the ocean, starred and gemmed with flowers, and threaded with dark belts of timber which mark the winding streams, are a joy for ever. * * * *
Glancing over thousands of acres covered with long grass and dotted with groves, it appears the perfect counterpart of cultivation, field, and orchard. One can hardly persuade himself that he is not scouring a long-settled country, whose inhabitants have suddenly disappeared, taking with them houses and barns, and leaving only their rich pasture and hay fields.

TOWNS AND CITIES IN KANSAS.

Under this head we begin with Kansas City, which is just over the State line, and in Missouri.

The growth of this city, from a mere hamlet to an important business and railroad centre, with a population of 32,286, is a good instance of the way towns grow in the West. In 1860, its population numbered but 4,418, so that the census of 1870

shows a gain of 730 per cent. Kansas City is the largest city between St. Louis and San Francisco, with a better promise of becoming a large city than St. Louis or Chicago had twenty-five years ago. It is built mostly in a substantial manner, of brick. It has imposing structures for business houses, commodious hotels, and schools and churches have been extemporized as if by magic. No city in the United States has probably made such rapid progress during the past ten years.

LEAVENWORTH.

This is the largest and most beautiful city in Kansas; it lies directly on the west bank of the Missouri River, forty miles south of St. Joseph, and twenty-six miles from Kansas City; it is well built, has sixteen churches, and a splendid Catholic cathedral; it claims a population of 35,000.

ATCHISON

Is the third city in Kansas in point of population and commercial importance. It is situated twenty miles north of Leavenworth, on the western bend of the Missouri River. Timber and coal abound in its vicinity. Population, about 8,000.

LAWRENCE.

Lawrence, so young, has a great history; it was started amid fierce debate in the Country, on a question which was only settled on awful battle fields. Nearly two hundred of its inhabitants were slaughtered one beautiful day seven years ago, by Quantrell and his host of guerrillas, and nearly two millions of property destroyed. But how soon does the energy of the American people obliterate the fierce foot-prints of war and destruction. Lawrence is now restored, and has

more than doubled its population. It has risen in beauty from its ashes, and stands before the admiring stranger, the beautiful centre of matchless surroundings, the very image and embodiment of security, peace, and prosperity. It lies for the most part on the south side of the Kansas River, about thirty-three miles from Leavenworth, and thirty-eight miles from Kansas City. The ground rises with a gentle elevation from the stream.

Lawrence has a first-class population in every respect, which numbers about twelve thousand.

TOPEKA,

The Capital of the State, is upon the south bank of the Kansas River, twenty-eight miles above Lawrence. One of the finest State Houses in the West, sufficient to accommodate the future wants of the great State of Kansas, is now building.

ST. MARY'S MISSION.

This place is twenty-three miles above Topeka, in the centre of the "Pottawattomie Indian Reservation," a district of country of great agricultural capacities, about thirty miles square. The Catholic school, for the education of the Indian youth of the tribe, is established here.

MANHATTAN.

The Big Blue forms a junction here with the Kansas, This is one of the most delightful locations in the State, and is the business centre of a flourishing community.

JUNCTION CITY

Is situated at the western side of the Fort Riley Reservation, at the junction of the Smoky Hill and Republican Rivers,

138 miles from the Missouri. Inexhaustible beds of magnesian limestone occur in the bluffs near the town, and extensive quarries are already being worked—a fine light colored stone, not unlike marble in appearance.

DETROIT.

Detroit is a fine thriving town, nineteen miles west of Junction City, in Dickinson county. There is an abundance of timber in this vicinity, also a fine water power.

ABILENE.

Twenty-four miles from Junction City, we reach Abilene, the county seat of Dickinson county. The valley of the Smoky is here wide and very beautiful. The land is fertile, and grazing very superior; and Abilene has been selected by several of the most extensive cattle-dealing firms in the United States, as the point of concentration and shipment to the East, for Mexican and Texan cattle.

SOLOMON CITY

Is on the bank of the Solomon River, one of the chief branches of the Smoky Hill River, heading near the base of the Rocky Mountains, and traversing for more than 200 miles one of the richest valleys of Kansas. It is an active little town of about two years growth.

Fourteen miles beyond Solomon is the flourishing town of Salina. This place is rapidly growing in population, and exhibits much business enterprise.

Ellsworth is situated directly on the north bend of the Smoky Hill River, and has a large area of fair farming lands surrounding it. The country around is admirably adapted to stock-raising.

Emporia.—This thriving town is on the Missouri, Kansas, and Texas Railway, sixty miles south-east of Junction City. It is the chief business point of the rich Neosho Valley, with a population of about 3,000.

Fort Scott is a flourishing place. Three hundred buildings were erected last year. It is the centre of the great railroad system of Southern Kansas. Several railroads already are projected to meet at this point. Inexhaustible beds of coal are found here. Population, 5,000. It is 100 miles from Kansas City by the Missouri, Fort Scott, and Gulf Railway.

Sheridan.—This is a brisk town on the line of the Kansas Pacific Railway, named after the gallant General Phil. Sheridan. A lively frontier trade is driven here, and it is rapidly becoming a fast railroad town.

The soil of Kansas yields enormously, and is adapted to all kinds of agricultural production.

No part of the earth's surface has ever passed so rapidly from the condition of a vast, trackless, desolate abode of wild beasts and roaming savages, to one of complete civilization, as this; and probably no other could have been so quickly transformed. As it was in the primitive Earth, God's own hand has planted a garden here, and all that is required of man is, that he should go in and occupy, and dress it, and keep it.

Here, he is not called upon to wage a lifelong battle with heavy forests and perplexing brambles, for the land is already a rich meadow, decked with flowers, and ready for the plow and seed.

United States Senator Yates, of Illinois, in a speech after crossing the plains of Kansas, says, "I consider that the vast country west of the Mississippi is the valley wherein the great achievements of peace are to be wrought. I was totally unprepared to witness such a country as I beheld. I will ven-

ture the assertion that there is no portion of the Earth where, during the present decade, the triumphs of peaceful industry and the advance of improvement will be more visible and marked than in this heaven-favored region west of the Mississippi River. Here—here, upon these mighty prairies, agriculture is to have her millenium, and reap harvests such as the world never saw before.”

Hon. Horace Greeley, in a recent letter from Kansas (he having passed through Kansas on a westward trip), says that, “Settlers are pouring into Eastern Kansas by car loads, wagon loads, and horse loads daily, because of the fertility of her soil, the geniality of her climate, her admirable diversity of prairie and timber, the abundance of her living streams, and the marvellous facility wherewith *Homesteads may here be created*.”

KANSAS AND HER FRUITS.

The idea once prevailed among the earlier settlers of Kansas that fruit could not be profitably raised in the State ; so, at first, little was done in this regard. What a wonderful revolution has been wrought in a few years! On Sept. 16, 1869, the National Pomological Society held its annual meeting at Philadelphia, and fruitful Kansas was represented. The very idea of presenting Kansas in that exhibition of fruits, where the Eastern and Middle States had been perfecting their fruit culture for an hundred years, seemed to partake of the audacity of the beardless youth contending for the mastery with giants. There was something about it that challenged the admiration of some, but the ill-disguised laughter of many. Kansas received the great gold medal of the Pennsylvania State Horticultural Society, by a unanimous award, for a collection of fruit unsurpassed in size, perfection, and flavor.

Kansas bore off in triumph the laurels of a high renown. The collection of fruit consisted of 200 varieties of apples, 25 varieties of pears, 19 of the leading varieties of grapes. These apples, peaches, grapes, and pears were unimpeachable witnesses of the possibilities of Kansas in respect to fruits, which were not selected from some one favored locality, but from all parts of the State.

COLLECTION LAWS OF KANSAS.

The following-named property is exempt from forced sale under any process issued by the courts, except process obtained by virtue of a lien: A homestead not exceeding 160 acres of farming land, or one acre in any incorporated town or city (no limit to valuation), occupied as a residence by the family of the owner; also, the usual household furniture, not exceeding in value \$500; farming implements to the value of \$300; one yoke of oxen and one horse or mule, or one span of horses or mules; two cows; ten hogs; twenty sheep; together with food, fuel, or provisions for the maintenance of the stock mentioned and the debtor's family for one year; also, the stock or tools used by a mechanic or other person, not exceeding \$400 in value; and the library, implements, and office furniture of any professional man.

But none of the personal property above-named shall be exempt from taxation, attachment, or execution for the wages of any clerk, mechanic, laborer, or servant; and the earnings of a judgment debtor for his personal services within three months, when it is made to appear that such earnings are necessary for the use of a family supported wholly or partly by his labor.

Actions to recover real property sold for taxes must be brought within two years after recording the tax deed.

INTEREST. When no rate is agreed upon, seven per cent.

is allowed, but parties may lawfully agree upon twelve per cent.

ASSIGNMENT. Every voluntary assignment of property, made by a debtor in trust for his creditors, shall be for the benefit of all the creditors of the assignor, in proportion to their respective claims.

Want of space prohibits a more extended account of Kansas, but I think it will be evident to the most skeptical, that this is one of our finest States, and that there is now a rare chance for soldiers and others to secure themselves homes that should suit the most fastidious.



NEBRASKA.

NEBRASKA.

NEBRASKA, the youngest of the "Union Family," was admitted as a State in February, 1867.

The growth and prosperity of Nebraska, as a Territory, was substantial and rapid, although the eastern counties, and more especially those lying along the Missouri River, were the only portions where settlements to any extent had been made. But, within the last two years, the great Pacific Railroad has been built entirely across Nebraska, from the eastern side to the boundary along the fertile valley of the Platte River, and opening up to the settler some of the most productive bottom land west of the Mississippi.

Nebraska extends from the Missouri westward to the Rocky Mountains, with an extreme length of 412 miles, decreasing to 310 miles on the southern border, its extreme width being 208 miles, diminishing to 138 miles on the west. Its area is 75,995 square miles, or 48,636,800 acres. The population of Nebraska, in 1864, was 288,411. The inviting features of the country have stimulated emigration to such an extent that, in 1867, the State was admitted into the Union, having obtained the requisite number of inhabitants.

Its location is such as to command especial attention of emigrants.

SOIL.—The soil of the eastern portion is exceedingly fertile, the prairies are covered with a heavy sod, the matted growth of ages of vegetation, several teams of oxen being

required to break it; the subsequent tillage is comparatively easy, the ground being rendered light and mellow.

Along the rivers are groves of oak, walnut, cottonwood, hickory, and willow. Very dense forests of cottonwood grow along the Missouri River, above the mouth of the Platte.

The climate is milder than in the Eastern States within the same parallels of latitude; the summer is of high temperature, but the sultriness is alleviated by cool, refreshing winds blowing over the prairies. The trade of Nebraska is in its infancy. Its facilities, natural and artificial, must soon develop an immense volume of domestic commerce.

Nebraska City, on the Missouri, is a well built town, in the centre of an extensive domestic commerce, requiring transportation amounting to 13,337,734 pounds in 1864, and employing 1,792 men, 1,410 mules, 13,808 oxen, and 1,587 wagons, the total expense of which was \$2,134,037. The population of the town is estimated at 8,000.

Omaha City, the Capitol, is located upon high, undulating ground, between the Missouri River and the posterior bluffs, commanding a very fine view. Limestone, for building purposes, is found in great quantities in the neighborhood of the city. This city is the eastern terminus of the northern branch of the Pacific Railroad, which gives it an immense importance as a commercial point, and is enlarging its wealth and population at a very remarkable rate. Its population in 1865, was 4,500, and is now estimated at over 12,000.

In the State, the public lands remaining undisposed of are equal to about forty-two millions of acres. Richardson county is one of the finest counties in the State; it lies in the south-eastern corner of the State and borders on the Missouri River, and forms the type of fertility of soil and climate, and being located near the 40th parallel, the climate seems to favor the cultivation of all the hardy fruits and cereals. The surface is more rugged than many of the interior counties,

partly on account of the extreme thickness of the superficial deposit of soft yellow marl, and the numerous layers of limestone which crop out along the river banks. The country is fully watered with ever-flowing streams, and innumerable springs of the purest water.

Common wild prairie grass, blue joint, buffalo grass, red top, and wild timothy, with some white clover, supply the pastures of Nebraska. Kentucky blue grass and clover do well wherever cultivated, but the prairies are chiefly relied upon for the subsistence of stock during the pasturing season, which is reported to range from five to nine months in length.

MISSOURI.

MISSOURI.

HER POPULATION, RESOURCES, &c., &c.

MISSOURI has an area of 67,380 square miles, or nearly forty-four millions of acres, and a population of 1,750,000.

In agricultural capabilities, mineral riches—in geographical position and climate—in the production of fruit, cereals, as well as cattle, sheep, and hogs, Missouri is to stand among the very foremost of the great States. Missouri is in the centre of the Union; situated midway between the extreme North and South, secure from the extremes of heat and cold, with the fair and mighty city of St. Louis opening her eastern gates to the incoming tide of emigration, to pour forth upon the broad plains lying west of the Mississippi,—Missouri cannot escape her destiny of greatness.

Great in extent of territory, great in her natural resources, great in her geographical position, with mighty rivers sweeping along her eastern borders or crossing her prairies, great in population, she will become the leading State west of the Mississippi, like New York and Pennsylvania, on the Atlantic, or Ohio and Indiana, in the Middle States—Missouri needs nothing but men and women to create and constitute an empire.

St. Louis, one of the principal cities, is solid, substantial, and withal a beautiful city; it has a population, in its immediate and dependent suburbs, which will soon be within its corporate limits, of more than 300,000 inhabitants.

It is laid out regularly, in blocks of some three hundred feet square, and while the business portion of the city is rendered uninviting by its narrow streets, which are constantly choked up with teams and drays, making them hardly more passable than Broadway in New York, the upper portions of the city are equally distinguished for spacious streets, fine blocks and elegant residences, with lines of pleasant shade trees that shield the passer from the summer sun. Its admirable business location and easy relations with the rich and growing South, with an immense territory of very productive character for a thousand miles west, whose trade is at her command, renders St. Louis secure in the future, and will make it the largest inland city on the continent.

It is beautifully situated on the west bank of the Father of Waters, on the main trunk line between the Atlantic and the Pacific—in the heart of the great Mississippi Valley. It is twenty miles below the mouth of the Missouri; 800 miles south of St. Paul; a thousand miles from New Orleans; 340 from Cincinnati; 280 from Chicago; and nearer Omaha than Chicago. It is nearly due west from Washington, the present capitol of the country. It is 400 feet above the level of the sea. Fifteen hundred miles in any direction from St. Louis places one near the boundaries of the United States.

Missouri is the geographical centre of the Union. The centre of population is every year approaching St. Louis, and is now west of Cincinnati.

The growth of St. Louis, from a small trading town of a few thousand inhabitants, within the memory of men still in active life, to an immense city of 300,000 people, is one of the marvels that could be accomplished nowhere in the world but here in the West.

Here are miles and miles of continuous blocks of solid brick and stone structures that are built to stand.

The hospitality of St. Louis is as proverbial as the generosity and high reputation of her merchants.

The schools are admirable, combining all that is best in the system of instruction in the eastern cities with aid and culture imported from German universities. As thorough a classic culture can be obtained at Washington University, in the city of St. Louis, as anywhere on the continent.

A bridge to cross the Mississippi at this point, constructed of steel, is now rapidly building.

In the grand rivalry for commercial power and population among the great centres of the West, no other city has a fairer chance to take the lead than St. Louis. And when the nation seeks for a permanent place to locate and fix its capitol for all time to come, the grand central position of St. Louis and Missouri will decide the question of location,

St. Louis is cosmopolitan. There are at least fourteen different languages spoken in the city. Hardly a town in the Eastern States but is represented by some wide-awake resident of St. Louis. What makes our western cities so vital and progressive is this energetic and progressive emigration from other States, of those who are too intelligent to accept the contracted routine of older States, and who come here, and in a few years establish a splendid business or carve out a fortune for themselves.

The tables of mortality, made up by the Board of Health, exhibit the fact that there are fewer deaths to a thousand in St. Louis than in most of the large cities of the Union.

Everything conspires to make it a great commercial metropolis, but it will be a vast manufacturing city also. The great accumulation of mineral wealth at its doors, especially coal, lead, and iron, will render it one of the greatest manufacturing places on the continent. Indeed, St. Louis combines the three necessary elements of greatness; an agricultural region unsurpassed in fertility, and remarkable advantages for manufacturing, in addition to its commerce. By its river transportation and its railroad system, it will receive

and distribute through a vast area the productions of agriculture and the manufactures of her artisans, while the rich commerce of the round world will sweep in from San Francisco and Asia on the one side, from New Orleans, New York, and Europe on the other.

GO TO MISSOURI.

1st. Because it lies in the belt of country most favored in soil, climate, and agricultural productions. You can raise all the great staples there, and produce fine fruits, delicious grapes, costly wines, the golden sorghum syrup, cotton and corn, tobacco and hemp, winter wheat, and all other cereals.

2d. Go to Missouri—because lands producing these things you can have cheap, and near markets. This is the great opportunity for the young and enterprising, or any who have but little means and wish to better their fortunes.

3d. Why go to Missouri? Because it is unnecessary to manure the land in the spring at a cost equal to one-half the value of the crops obtained in the fall.

4th. Because it is a superior stock-raising country. In the Northern States, it costs much to winter cattle six or eight months of the year. There, the climate is so mild that it costs but little. On the great open prairies you can herd or pasture your cattle about ten months in the year, with but little expense or trouble. Nowhere else in the United States can stock be raised so profitably and so near to railroads, rivers, and markets.

If you are rich, go to Missouri with your capital; it is needed there, and you can double it by investment.

If you are poor, go, and your industry, skill, and energy shall coin you competence, if not wealth. Unless you have all you want in the world where you are, go to Missouri and get it.

SHORT STORIES ABOUT MISSOURI.

Missouri is as healthy as any State in the Union. The mineral wealth of Missouri would pay the National debt. Missouri invites the enterprising of all nations to come. She will make others rich while enriching herself. Many a lifetime has been worn out in making a farm in the Eastern States, in clearing timber and working around the old stumps. There you can purchase the beautiful, rolling, lawn-like prairie, fitted for the production of every agricultural product, and only needing to be fenced, for very small prices, compared with the cost of land east of the Mississippi river.

The disfranchised are now enfranchised. All are equal before the law. Peace and good will prevail throughout the State.

Improvements are pressed forward at a rapid rate.

Railroads everywhere are opening up the country to the emigrant and the commerce of the world.

The whole State is impulsive with a fresh and vigorous life.

Millions of dollars are consecrated to the education of the children.

The spires of Christian churches, of every name and denomination, are rising on her prairies and meeting the morning sunlight in her valleys.

The generous soil yields a bountiful harvest every year.

Wise and progressive legislation guarantees the prosperity of all her people.

The debt of Missouri is being rapidly paid. The taxes are growing less and less every year, on account of the great annual increase in valuation.

Her railroads are branching out in every direction. The annual increase of the population of Missouri is 200,000.

One hundred thousand by emigration, and will soon be half a million annually,

When her mineral resources are developed, she will have iron, lead, and coal enough to supply the world.

Go to Missouri, and grow up with the civilization and power that will signalize it as the Empire State of the West.

PRICE OF LANDS IN MISSOURI.

Near towns, of course, farming lands are high, but not so high as in States east of the Mississippi. But good lands can still be bought in Missouri at almost government price, but generally average, if unimproved, from \$5 to \$15 an acre.

GRAPE GROWING.

Missouri lies in the great natural fruit-growing belt of country, and produces not only the best kinds of apples, peaches, and pears, but also the finest qualities of wine, which command the highest prices in St. Louis and New York.

Some of the vineyards on the Missouri river, at Hermann, which is on the line of the PACIFIC RAILROAD OF MISSOURI and other places, have paid from five hundred to two thousand dollars to the acre. No man can invest a few thousand or a few hundred dollars better than in growing a vineyard in this natural grape-growing region of Missouri. We call it the natural grape-growing country, for we have seen grape stocks six inches in diameter on the Missouri bottoms. Her wines have recently been spoken of and tested in England, with admiration.

Along the line of the PACIFIC RAILROAD OF MISSOURI, and on the Missouri river, near by, are the finest locations on the continent for grape-growing.

WOOL GROWING.

Missouri yields the palm to no State in respect to sheep-raising. Its advantages are so great in comparison with more northern States, that they attract the attention of the wool-growing interest all over the North. The mildness of the climate, the early, sunny spring, the little feed necessary, give Missouri an advantage that Iowa, Minnesota, Wisconsin, and Michigan do not possess.

With equal flocks, and equal management and care, sheep-raising is fifty per cent. more profitable in Missouri than in more northern latitudes. There is no other business that pays better. The diseases incident to sheep in more severe climates, with long winters, fierce storms, and deep snow, are not known in Missouri. Wool growing can not be overdone. There is no business or production, so secure in result, so certain to pay generous profits as this.

There is good public land now open for homestead settlers in the counties of Crawford, Phelps, Pulaski, Camden, Benton, Hickory, St. Clair, Cedar, Polk, and Dallas; these lands comprise timber and prairie mixed, are well watered, and new railroads are being built in different directions.



IOWA.

IOWA.

IOWA occupies nearly a central position between the two oceans, on parallels of latitude which run through the lower New England States, portions of New York and Pennsylvania, and the northern halves of Ohio, Illinois, and Indiana. Minnesota bounds it on the north and Missouri on the south; the Mississippi and Missouri rivers form its eastern and western boundaries, and their innumerable tributaries, many of them navigable, traverse the State in every direction.

The most distinguishing features of Iowa are its admirably diversified prairies, which cover at least three-fourths of the State.

These natural meadows, covered with nature's grasses, stretch out in a series of graceful undulations, like the swell of the sea, and in the season of flowers are clothed with a brilliant vesture of honeysuckles, jessamines, and violets; fragrant fringes of hazel or willow indicate the course of clear, winding brooks, hastening to swell the tide of larger streams, whose grove-belted margins can be traced until the green foliage seems to mingle with land and sky, and soften into hazy blue. It has been said of Iowa, that the monotony of its very beauty and fertility becomes tiresome. While there are no mountains in Iowa, portions of its northern surface are hilly and rugged,—abounding in lakes, and rapid rivers tumbling over rocky ledges. This section of Iowa is not so well timbered as farther south, and is better adapted to grazing than tillage, although possessing fragrant valleys

and stretches of rolling prairie, unsurpassed for beauty and fertility by any portion of the State.

Iowa has a length from east to west of 300 miles and a breadth of 208 ; its area embraces 55,045 square miles, equal to 35,228,800 acres ; there are yet to be disposed of in this State between 2,000,000 and 3,000,000 acres of public land.

Iowa owes its prosperity mainly to its agricultural resources and advantages ; prairie farms are easily and cheaply opened, and are more quickly made profitable than forest lands, which must first be cleared. Compared to the lifetime of labor it takes to open a farm in the woods, the facility with which one can be established on the prairie is most striking and gratifying to the settler, and as sufficient timber for all ordinary purposes is generally within reasonable distance, the comparative absence of forests is not so important as it otherwise would be ; and artificial groves of that useful and ornamental tree the locust, can be easily and quickly raised ; nothing can exceed the beauty of a prairie cottage surrounded by its grove of locust, and wherever met with, it marks the abode of taste and comfort.

Emigrants are quick to perceive these advantages, and the vast area of high, rolling, and easy tilled prairies of Iowa has already attracted thither more than a million of inhabitants, who are noted for intelligence, industry, and patriotism. In other respects, also, Iowa is unfolding herself and revealing her bounties, to those who have the energy to secure them ; the raising of live stock is an important interest, and has received much attention.

It is estimated that the area of the coal fields of Iowa can not be less than 20,000 square miles ; these large deposits, in conjunction with the abundant water power afforded by her numerous and unfailing streams, must, under the necessities of an advancing civilization, make Iowa prominent as a manufacturing State. Already this branch of industry has attracted a large amount of capital and skilled labor.

CLIMATE, HEALTH, &c.

The climate is one of the most delightful in nature; the spring usually commences in March, and by the middle of April the prairies are green, with mild, beautiful weather; in May all the face of nature is covered with flowers, and the foliage of the prairies bends before the breeze like the waves of an enchanted lake.

High, dry, salubrious, and rolling, with most excellent water, consumption was never known to seize a victim here. The fact that there are over two million acres of government land in North-western Iowa waiting for settlers to accept as a gift, looks strange. When so many are going so much farther to fare so much worse—people will follow navigable streams, railroads, or old emigrant routes; the Mississippi river leads to Wisconsin and Minnesota; the Missouri to Dakota and Montana, and the old California route passes to the south of this region; railroads have been chartered and endowed with land grants and are now being built.

The following is about the average price of land: In Green county, unimproved farming lands are worth from \$4 to \$8 per acre, improved are worth \$25 to \$40 per acre; the soil is a dark vegetable mould, varying in depth from two to four feet. The climate mild and healthy; there is no better county in the West for raising stock.

In Madison county, improved farm lands are worth from \$15 to \$40 per acre, raw prairie \$5 to \$12 per acre; labor from \$1.50 to \$2 per day, mechanical labor from \$2.50 to \$5; masons, bricklayers, and stone cutters are most needed.

In Buchanan county, the price of land ranges from \$5 to \$25 per acre, owing entirely to the location; good homes can be secured within one mile of church and school privileges for from \$5 to \$10 per acre.

Mills county.—This is generally conceded to be one of the best counties in the State, in the character of its soil and its general advantages for agricultural purposes. It is making rapid progress in wealth and population. A larger area of the land has this year been brought into cultivation than in any four years heretofore. Farms are being opened, buildings erected, and orchards planted in all parts of the county.

It contains already many independent farmers who have amassed fortunes from the products of its generous soil.

* * * * *

It, as a whole, is well supplied with timber; it is estimated that over one-tenth of the surface is covered with timber. The principal varieties are burr oak, pin oak, black walnut, hickory, white ash, red elm, white elm, hackberry, mulberry, maple, lime, and cottonwood.

There are many steam saw-mills engaged along the rivers, sawing lumber almost exclusively from the cottonwood. The bluff contiguous to the river bottom affords a large quantity of hard wood, while on Keg creek, above and below Glenwood, are many fine groves.

* * * *

Want of space prevents a more general description of this State, but a sufficient description has been given to enable the reader to form an idea of its agricultural advantages and resources.

MINNESOTA.



MINNESOTA

CONTAINS an area of 83,531 square miles, or 53,459,840 acres, of which 25,095,385 have been surveyed and 28,364,455 remain unsurveyed; 18,727,808 have been disposed of and 34,732,032 acres yet remain open to settlement.

The development of Minnesota has been unprecedented; in 1850 there was only an area of 1,900 acres under cultivation, and in 1868 there were 1,387,470 acres.

The State is being rapidly furnished with railroads in every direction, presenting facilities for the transportation of every article to and from settlers, and forming a network of communication that will speedily develop the ample resources of Minnesota.

In Minnesota are found neither the illimitable prairies which distinguish Illinois, nor the vast impenetrable forests of Indiana and Ohio in which the settler finds it so difficult to carve himself a home, but a charming alternation of woods and prairie, upland and meadow, characterizes the topography of this State.

Of paramount importance to the emigrant, is the healthfulness of the locality which is to be the scene of his future labors and the home for himself and family. What to him are fair fields, flowering meadows, buried in the luxuriant growth of fertile soils and tropical suns, if they generate fever-producing miasma and vapor?

But it is well known that Minnesota is unrivalled by any State in the Union for healthfulness, it being the resort of invalids from all parts of the United States, especially in

cases of incipient consumption, confirmed dyspepsia, and bronchial and rheumatic affections.

The climate of Minnesota has often been the subject of unjust disparagement: "It is too far north," "The winters are intolerable," "Corn will not ripen," "Fruit will not grow." These and other similar remarks have found expression by those who should have known better. To the old settler of Minnesota the seasons follow each other in pleasing succession.

As the sun approaches his northern altitude, winter releases his grasp, streams and lakes are unbound, flowers spring up as if by the touch of some magic wand, and gradually spring is merged into the bright, beautiful June, with its long, warm days and short, but cool and refreshing nights. The harvest months follow in their succession, till the golden Indian summer of early November foretells the approach of cold and snow; and again winter, with its short days of clear bright sky and bracing air, and its long nights of cloudless beauty, completes the circle.

The dryness of the air, the character of the soil, which retains no stagnant pools to send forth poisonous exhalations, the universal purity of its waters, the beauty of its scenery, and the almost total absence of fog or mist, the brilliancy of its sunlight, the pleasing succession of the seasons, all conspire to give Minnesota a climate of unrivalled salubrity.

S O I L .

The soil of Minnesota is of extraordinary fertility, and is especially adapted to wheat culture; also oats, barley, rye, corn, &c.

RAILROAD LANDS.

The several railroad companies of this State offer large bodies of lands lying along the routes of their roads; the

facilities for transportation of farm products thus afforded rendering such lands very desirable.

PRIVATE LANDS.

Unimproved lands in the hands of private owners, accessibly situated among settlements, and frequently situated within five or eight miles of large towns, which afford good markets for vegetables, dairy products, &c., can be purchased at from \$4 to \$15 per acre, partially upon credit. Lands of fair quality are offered at \$5 to \$20 per acre, within ten miles of St. Paul, a city of 19,000 inhabitants, where high city prices are eagerly paid for all garden and dairy products, and where manure for enriching second-rate land is gladly given to farmers who will haul it away; similar opportunities are presented in the vicinity of other large and growing towns.

MANNER AND COST OF STARTING FARMS.

A settler can take a homestead embracing portions both of woodland and prairie, and by working at wages for six months before occupying it, earn a little money for a start, and then by tact and industry can gradually carve himself a home with scarcely an appreciable outlay of actual cash. An expenditure of \$40 for sash, doors, &c, will complete a cabin in which a family may be sheltered comfortably. If sufficient timber grows upon the land, fencing and sheds may be constructed by the farmer's own hands, which will answer a good temporary purpose.

The abundance of unoccupied land affords a wide range of free pasturage for his stock, which relieves him from the necessity of division fences. Posts planted firmly in the ground, with forked ends upward for the reception of strong beams upon which cross poles are laid, and then threshed

straw stacked thereon, affords good shelter for stock—much better in our cold dry winters than in the sloppy, murky, and chilly winters further south.

WHEN TO COMMENCE.

To the man of means any portion of the year is favorable for coming to Minnesota. But to the mechanic or laborer and especially the poor man who expects his support from the soil, the value of time is an important consideration. As a rule, the fall is the worst time for the two last named to come, while early spring is probably the best for all.

If the emigrant reaches his land by the middle of June, he is too late to produce most crops the same season, but he is yet in time for corn, potatoes, and turnips.

For the first, let him turn over the virgin soil, chop holes therein with an axe and drop in the seed, which, if the season be favorable, especially a wet one, will produce a tolerable crop. The second may be dropped into the furrow and covered by the plow with the tough sod, and will grow through it, while turnip seed may be sown on the freshly turned sod and very slightly covered.

June is the best month for breaking wild land, especially prairie—while the breaking season should not begin earlier than the middle of May nor be prolonged beyond the first of August. A particular stage of vegetation of the overturned sod is necessary for its rapid decay; and frequently more harm than good results to the land which is first unseasonably plowed.

WHAT PLUCK AND MUSCLE MAY DO.

Great as are the unquestionable advantages which a union of money and industry possesses here, as elsewhere, there is

no land under the sun where unaided muscle, with a plucky purpose, reaps greater reward than under the bright skies and helpful atmosphere of this fair land.

Feeling himself every inch a man as he gazes upon the unclaimed acres which shall reward his toil, the settler breathes a freer air, his bosom swells with a prouder purpose, and his strong arms achieve unwonted results. Minnesota is emphatically the place for men whose capital consists of brawny arms and brave hearts. Any man possessing these, may do as thousands who have little else annually do in this State—select a homestead in some one of the many beautiful and fertile regions into which railroads are rapidly penetrating, after which, being allowed six months before settling on the land, he may work upon the railroad or upon a neighboring farm, and earn enough money to make a start as his own master in a small way, and by the time he produces a surplus, the railroad is at his door to take it to market—he finds himself not a lone settler, encountering the hardships of a frontier life, but in daily communication with the busy world, and the proud possessor of a valuable farm which has cost him little but the sweat of his brow.

EXAMPLES OF SUCCESSFUL FARMING.

Let a few cases be cited as to what has been accomplished by different classes of settlers.

A capitalist, a lawyer by profession, failing in health, engaged in farming on a large scale, using money to improve and conduct operations in the best manner, realized these results: On three farms of 2,000 acres, 1,700 were in wheat. His yield in 1867 was 35,700 bushels, gross price \$53,550; profits \$14,500; 1868, yield 39,000 bushels, net profit \$20,400. His profits would have been larger, except for the extremely high prices which ruled in 1866—seed wheat cost-

ing \$2.50 per bushel, with corresponding disbursements for first breaking and other expenses. These expenses include interest on the capital employed in land, stock, implements, &c. The original cost of the land averaged about \$12 per acre; so that, after allowing amply for the expenses of building, fencing, and other improvements, the net profits on two years' crops were more than sufficient to cover the whole, while the market value of the land and improvements is to-day nearly or quite three times their first cost.

A Swede, who settled first in Illinois, and there caught the "chills and fever," after losing much time and money in the vain effort to recover his health, came to Minnesota lean, depressed, and poor, with a remnant of \$2.50 as his fortune to start anew. He worked among the farmers until he had saved enough to purchase a span of horses and a few implements, and then purchased 120 acres of land at \$12 per acre, paying in hand a merely nominal sum, and agreeing to pay the balance in three annual installments, with 7 per cent. interest, the first payment to be made when he should have obtained his first crop from the land. He sowed his entire farm in wheat, which produced 20 bushels per acre, making an aggregate of 2,400 bushels, which he sold at \$2.50 per bushel, or a total of \$6,000, paying for the land four times over with a single crop; and after paying for land, expenses, and improvements, leaving a clear balance of \$3,000. He then sold his farm for \$27 per acre, or a total of \$3,240, which, added to his net profits, gave him the sum of \$6,240, with which he started anew by taking a homestead, for which he paid—nothing! Of course, in this case, the extraordinary profit was greatly the result of the exceptionally high price of wheat; but it is obvious that with one-third such price—the expenses being also less—there would be a handsome margin of profit, while there are continually recurring chances of sudden high prices which afford brilliant results.

A shrewd, cautious emigrant from an Eastern State came to Minnesota in 1856 with little means, and averring that he was "not educated, nor smart enough to git rich by tradin' in corner lots," which was the vocation then generally pursued, concluded he would feed those who were thus engaged, and so quietly took up a government 80 at \$1.25 per acre, ten miles from St. Paul, and commenced raising vegetables, butter, cheese, &c., for which he realized New York prices in St. Paul; and when the rich speculators went down he relieved their necessities by purchasing their property for a song; and he is to-day one of the solidest men in the State—out of debt, with money at interest, and living generously on a farm of 640 acres, splendidly improved and stocked with fine cattle and blooded horses.

An ambitious farmer from Maine came to Minnesota at an early day, having little capital beyond that of an active brain and skillful hands. Captivated with the appearance of our smooth rich prairies, contrasted with the bleak hills he had left in Maine, he committed the common mistake of buying too much land, by which he kept himself poor and embarrassed through many weary years of struggle. But by persistent effort and the wonderful aid of labor-saving machinery, he managed to obtain each year larger margins of profit, until, finally, a lucky year of high prices made his fortune, whereupon he rented his farm for a third of the crop, upon which he lives at his ease on \$4,000 a year.

A Mr. William Buck settled in Mower county in 1856. He had sufficient means to purchase 480 acres of land at government price, upon which he went to work. His labor was reasonably rewarded. After seven years of hard toil and economical living, he began the erection of a handsome residence, which he finished in 1864. His barn will accommodate 160 head of horses and cattle, 225 tons of hay, and the bins will hold 10,000 bushels of grain. The upper floors

are laid with two-inch plank. Mr. Buck last year sold \$6,000 worth of stock, and has now on hand some 50 head of horses and forty head of cattle. He has under plough 220 acres, besides 120 acres in timothy grass.

Mr. Andrew Barlow settled in Freeborn county, in October, thirteen years ago. He was compelled to leave his family in New York for want of means to bear their expenses to Minnesota, and only reached here himself by stopping at times on the way to earn money. By industry and economy he accumulated enough during the first winter to send for his family in the following spring. He is now the owner of an excellent farm of 320 acres, with full equipment, including a house worth \$800 and a barn worth \$1,000, with a partial ownership in a threshing machine.

An emigrant from Michigan settled first in Dakota Co., and after considerable hardship sold his claim for only \$100. Feeling considerably discouraged, he was tempted to return to Michigan, where he was offered land to rent on very favorable terms by a relative; but he finally decided to make a new trial here, and with his meagre \$100 and a wagon, plough, and *one ox*, with a family of five children, and winter confronting him, pushed for the extreme frontier, made a "claim" and commenced to work. He is now independent, owning a farm, for which he could take \$5,000, besides ample stores, stock, and utensils.

Frederick Hildebrand writes Robertson's *Monthly* his experience with a 27 acre farm near St. Paul, which he purchased over two years ago, in a wild state. He had been a mechanic in the city, knew nothing of farming, but went into it as the only escape from early death. He says: "I have farmed this land two years—only part in cultivation. It pays. Here is the result for the first year: First, we have had our living, except clothing and groceries, from the farm. We sold butter to customers, to the amount of \$769.60.

This was the product of eight to nine cows. We sold eggs and chickens for \$176, and pork and garden stuff for \$330; making in all \$1,269 cash income; and paid out in expenses for the help of a man on the farm and a girl in the house, about \$300. Myself and wife, both being in poor health, have not done much work—and no hard work. We have depended almost entirely upon hired help, but I have always looked closely after my business and directed the work.”

A Minnesota farmer writing to the *Hearth and Home*, says: “A man rented 160 acres of newly broken prairie land near me last spring, and got but one-half the crop; but with that he paid \$2,000 for the land, and now owns a farm upon which \$4,000 worth of grain was raised this year (1868), with wheat at but a little over \$1 per bushel.

W A G E S.

Stone masons and plasterers, \$4 to \$5 per day; carpenters, \$2.75 to \$3.50; blacksmiths, \$2 to \$3; day laborers, \$1.50 to \$2.00; laborers on railroads, \$1.50 to \$2.00; farm hands, \$15 to \$25 per month; teamsters, \$30 to \$60; choppers, \$35 to \$40; wages on lumber rafts, \$30 to \$40; clerks in stores, from \$600 to \$1,500 per annum.

E M P L O Y M E N T.

For persons having fixed, definite occupations—for tradesmen, artisans, and persons skilled in mechanical work of all kinds, especially for those with the inclination and strength for agricultural labor, there is nearly always an active demand in Minnesota. For persons with that indeterminate notion of work which is limited to the idea of “situations” there is little demand anywhere.

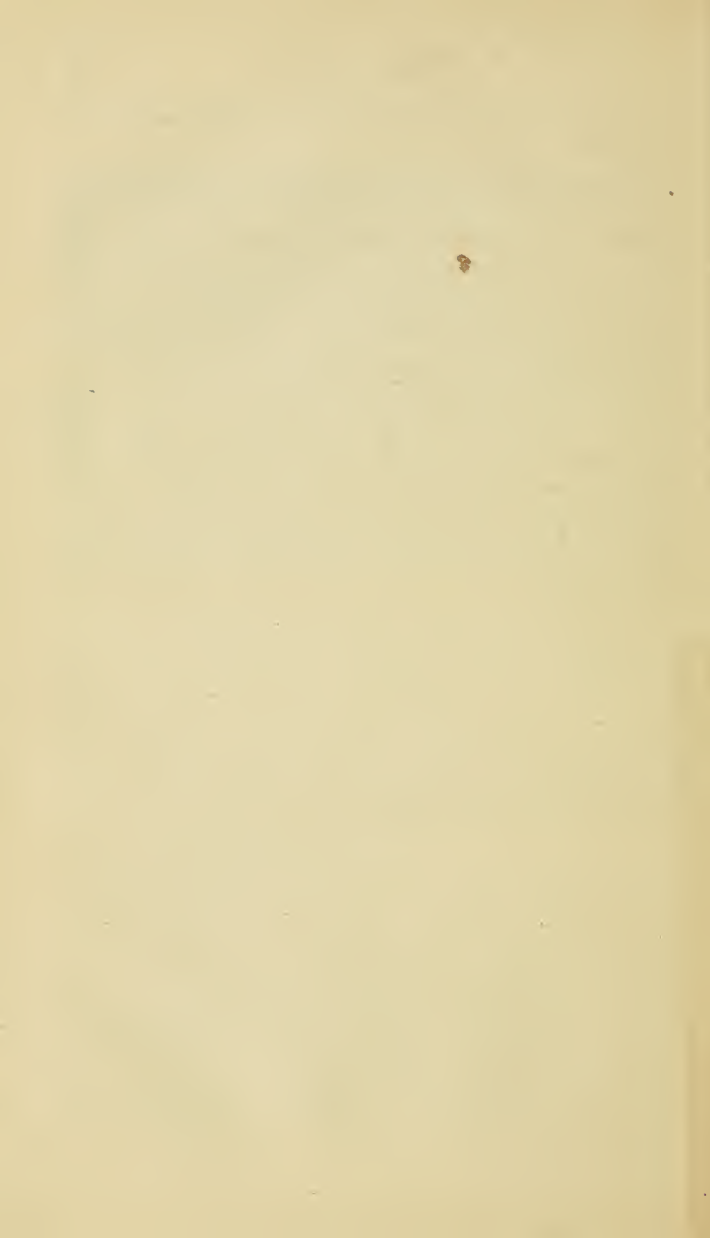
WHO SHOULD COME TO MINNESOTA.

Young people of either sex, however poor in cash, if rich in courage, hope, and strength, may be encouraged to come to Minnesota at all times. It may not be advisable for those advanced in years, or those who are well and comfortably settled in old and well established communities to incur the hazards incident to a removal to a new country. And it should be further understood that the wholly destitute will encounter at first greater hardships here than those they seek to escape. Northern countries are usually more prosperous than those of languid climates, largely because of the greater stimulus the energies receive in guarding against hunger and want; for which reason it is of course more difficult for the feeble and destitute to find maintenance; but to the thousands in the older States and in foreign countries, whose only resource is the labor of their hands, who, on looking around, see every avenue to manly independence thronged by jostling multitudes, and the only alternative left them emigration or dependent labor; to all such we offer the testimony of an English writer: "Minnesota affords the finest and most inviting field for emigration in the world." The State needs an actual settler upon each quarter section of her millions of unoccupied lands, to give beneficent action to the idle richness slumbering in the black soil.

A great English writer has said: "Formerly the richest countries were those in which the products of nature were the most abundant, but now the richest countries are those in which man is the most active." In Minnesota we may justly claim that both essentials are found in full measure. The bountiful soil ensures the first, and the bracing atmosphere the second. Moreover, thanks to the beneficent wisdom of that generous legislation which finds no parallel in the history of human enactments, every man is there given a

farm upon the simple condition of laboring five years *in his own service*.

The world's plaudits have too long been for men and nations whose power was evinced in devastation. The law of might partitioned the spoil among the conquerors. It is the glory of America that she acquires territory by purchase, and distributes it among the landless of all nations. In Minnesota is found the fairest domain upon which the blessings of this new dispensation receive practical exemplification. A cordial welcome is extended to all to go and partake of the national bounty; and when, with all the advantages with which lavish nature has endowed our State, it is considered that there also may be possessed the perfect health requisite for their highest enjoyment, it is not too much to claim that Minnesota presents unequalled inducements to those in search of new homes.



WISCONSIN.

WISCONSIN.

WISCONSIN was organized as a Territory in 1836, and admitted as a State in 1848. Its population in 1860 was 775,881, which has increased to more than a million at the present time. The State lies between Lake Michigan and the Mississippi River, and extends from the State of Illinois on the south, to Lake Superior on the north.

Wisconsin has an area of 53,924 square miles, or 34,511,360 acres, of which over 9,000,000 acres are yet unsold, and open to the settler.

There are no mountains or even high hills in Wisconsin. Its whole surface is a vast rolling plain, elevated from 500 to 1500 feet above the ocean, sloping down to the lakes, or to the streams which drain it. At Portage City, the Wisconsin River, emptying into the Mississippi, and the Fox River flowing into Green Bay, approach so nearly, that their waters commingle. They are joined by a short canal.

The surface of Lake Michigan is lower than any portion of the State, being 578 feet above the sea; and the numerous streams which flow into it are so abrupt in their descent, and so full of rapids as to render them unnavigable, but they present admirable facilities for manufacturing. The descent of Fox River from Lake Winnebago to Green Bay, is 170 feet, affording a succession of the most invaluable water powers in the West.

The Mississippi River flows for 200 miles along the western border of the State,—and streams innumerable, both

large and small, water nearly its whole surface, and beautifully diversify its scenery. The State possesses many characteristics in common with Minnesota, which forms the larger portion of its western boundary.

Like Minnesota, Wisconsin abounds in lakes, especially in its central and northern portions. They are the most numerous around the sources of the St. Croix and Chippewa rivers. In this region the surface is crowded with them. They are from one to twenty miles in extent, and form, in their picturesque loveliness, one of the most charming and attractive features of the State.

They also contribute to render portions of the State a paradise for the fisherman and the hunter,—their deep and placid waters being filled with trout, pickerel, perch, &c., and at some seasons of the year, almost literally covered with geese and ducks of great variety, and other water-fowl, which subsist upon a kind of wild rice that grows abundantly in the shallow waters, at the margin of the lakes.

The climate of Wisconsin is cold, but agreeable. The eastern tier of counties is considerably moderated, both in the cold of winter and the heat of summer, by the waters of Lake Michigan.

It is stated that the average temperature upon its shores is six and a half degrees Fahrenheit, warmer than at corresponding points on the Mississippi. The southern portion of Lake Michigan never freezes over in winter, but is filled with vast fields of drifting ice, which impede navigation. The harbor of Milwaukee rarely remains closed more than about three months of the year.

Frosts in the northern parts of the State are always preceded by snow, which covers vegetation, and preserves it from injury. In the southern section, some winters pass with very little snow, but it frequently covers the ground to the depth of 12 to 18 inches, especially in the interior, in districts remote from the lake.

There is a certain dryness about the air of Wisconsin which also characterizes Minnesota. This fact contributes to render it, in common with that State, one of the healthiest portions of the United States.

The winters are severe and linger along well into spring. The summers are short but intensely warm, and the heat quickly accelerates the growth of vegetation.

Autumn is the pleasantest here, as it is in a large portion of the United States. This season is marked in Wisconsin by a long succession of mild and delightful days.

“Nearly all the northern half of the State abounds in pine, balsam, hemlock, and other cone-bearing evergreen trees, of which the white pine, usually towering far above the other trees of the forest, is the most common. The great prairies of Illinois extend into several of the southern counties of Wisconsin, between which and the heavy timbered districts, there is a region of openings in which the burr oak chiefly abounds.

Pine lumber is annually exported in immense quantities from the northern part of Wisconsin. It has been chiefly obtained from Ashland county, which borders on Lake Superior. This county has the greatest elevation of any portion of the State, and is the least settled and improved.

It is almost one dense pine forest alternating with lakes.

Wisconsin is rich in minerals. Lead is the most important product under this head. It is found chiefly in the south-western part of the State, in Grant, Lafayette, and Iowa counties; its ores in these localities being very rich and abundant. Vast quantities of iron ore are found in Dodge county, Sauk county, Jackson county, and in Ashland county, near Lake Superior. Copper, both native and in the ore, and zinc, have been found in various parts of the State. Limestone also occurs, and beds of peat and marl are found in the marshes. * * * * *

Madison, the capital of the State, is handsomely located on an isthmus between Lakes Mendota and Monona ; its situation being the most picturesque and beautiful of any of our western capitals. The city is well built, contains the State buildings, the State University, newspaper establishments, banks, churches, iron foundries, a woolen factory, and steam mills. Its population in 1865 was estimated at 10,000. The charming scenery around, salubrious atmosphere, business advantages, and educational interests will cause it to be a flourishing city.

Milwaukee, at the mouth of the Milwaukee River, and seventy-five miles by lake coast above Chicago, is a fine thriving city, and a prominent railroad centre in the northwest.

C I R C U L A R

FROM THE

GENERAL LAND OFFICE,

S H O W I N G

THE MANNER OF PROCEEDING

TO OBTAIN TITLE TO PUBLIC LANDS

BY PURCHASE, BY LOCATION WITH WARRANTS OR AGRICULTURAL
COLLEGE SCRIP, BY PRE-EMPTION AND HOMESTEAD.

ISSUED AUGUST 23, 1870.



C I R C U L A R.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE,

Washington, D. C., August 23, 1870.

THE following is communicated in reference to the manner of acquiring title to the public lands under different laws of Congress:

There are two classes of public lands—the one class at \$1.25 per acre, which is designated as *minimum*, and the other at \$2.50 per acre, or *double minimum*.

Title may be acquired by purchase at public sale, or by ordinary “private entry,” and in virtue of the Pre-emption and Homestead laws.

1. At public sale where lands are “offered” at public auction to the highest bidder, either pursuant to Proclamation by the President, or public notice given in accordance with directions from the General Land Office.

BY “PRIVATE ENTRY” OR LOCATION.

2. The lands of this class liable to disposal are those which have been offered at public sale, and thereafter remain unsold, and which have not been subsequently reserved or otherwise withdrawn from market. In this class of offered and unreserved public lands the following steps may be taken to acquire title:

CASH PURCHASES.

3. The applicant must present a written application to the Register for the District in which the land desired is situated, describing the tract he wishes to purchase, giving its area. Thereupon the Register, if the tract is vacant, will so certify to the Receiver, stating the price, and the applicant must then pay the amount of the purchase money.

The Receiver will then issue to the purchaser a duplicate receipt, and at the close of the month the Register and Receiver will make returns of the sale to the General Land Office from whence, when the proceedings are found regular, a patent or complete title will be issued; and on surrender of the duplicate receipt such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington, or by the Register at the District Land Office.

LOCATIONS WITH WARRANTS.

4. Application must be made as in cash cases, but must be accompanied by a warrant duly assigned as the consideration for the land; yet where the tract is \$2.50 per acre, the party, in addition to the surrendered warrant, must pay in *cash* \$1.25 per acre, as the warrant is in satisfaction of only so many acres at \$1.25 per acre as are contained in the tract located.

A duplicate certificate of location will then be furnished the party, to be held until the patent is delivered, as in cases of cash sales.

The following fees are chargeable by the land officers, and the several amounts must be *paid at the time of location* :

For a 40-acre warrant, 50 cts. each to the Register and Receiver—Total	\$1 00
For a 60-acre warrant, 75 cts	1 50
For an 80 acre warrant, \$1.00	2 00
For a 120-acre warrant, \$1.50	3 00
For a 160-acre warrant, \$2.00	4 00

AGRICULTURAL COLLEGE SCRIP.

5. This scrip may be used—

First. In the location of lands at "*private entry*," but when so used is only applicable to lands not mineral which may be subject to private entry at \$1.25 per acre, yet it is restricted to a technical "*quarter section*;" that is, lands embraced by the quarter section lines indicated on the official plats of survey, or it may be located on a *part* of a "*quarter section*," where such part is taken as in full for a quarter, but it cannot be applied to different subdivisions to make an area equivalent to a quarter section. The manner of proceeding to acquire title with this class of paper is the same as in cash and warrant cases, the fees to be paid being the same as on warrants. The location of this scrip at private entry is restricted to *three sections in each township* of land.

Second. In payment of Pre-emption claims in the same manner and under the same rules and regulations as govern the application to Pre-emptions of military land warrants; this too without regard to the limitation as to the quantity located in a township or in any one State.

PRE-EMPTIONS ADMISSIBLE TO THE EXTENT OF ONE QUARTER SECTION, OR ONE HUNDRED AND SIXTY ACRES.

6. These may be made under the general Pre-emption laws of 4th September, 1841, U. S. Statutes, vol. 5, page 455, and 3d March, 1843, vol. 5, page 619, as extended by Act of June 2d, 1862, vol. 12, page 413, upon "offered" and "un-offered" lands, and upon any of the unsurveyed lands belonging to the United States to which the Indian title is extinguished, although in the case of unsurveyed lands no definite proceedings can be had as to the completion of the title, until after the surveys shall have been extended and are officially returned to the District Land Office.

7. The Act of 2d March, 1853, U. S. Statutes, vol. 10, page 244, extends the Pre-emption for one-quarter, or 160 acres, at \$2.50 per acre to every "*alternate*" United States or *reserved* section along the line of railroads.

8. The Act of 27th March, 1854, vol. 10, page 269, chap. XXV., protects the right of settlers on sections along the line of railroads where settlement existed prior to withdrawal, and in such cases allows the tract to be taken by Pre-emptors at \$1.25 per acre. Copies of these laws, marked A, B, C, and D, will be found herewith.

9. Where the tract is "*offered*" land, the party must file with the District Land Office his Declaratory Statement as to the fact of his settlement within thirty days from the date of said settlement; and within one year from that date must appear before the Register and Receiver and make proof of his actual residence on, and cultivation of, the tract, and secure the same by paying *cash*, or by filing warrant or agricultural college scrip duly assigned to the Pre-emptor.

10. Where the tract has been surveyed and *not* offered at public sale, the claimant must file his Declaratory Statement within three months from date of settlement, and make proof and payment within eighteen months after the expiration of the three months allowed for filing his Declaratory Notice;

or, in other words, within twenty-one months from date of settlement.

11. Should the settler in either of the aforesaid cases die before establishing his claim within the period limited by law, the title may be perfected by the executor, administrator, or one of the heirs, by making the requisite proof of settlement and paying for the land; the entry to be made in the name of "the heirs" of the deceased settler, and the patent will be issued accordingly.

12. Where settlements are made on *unsurveyed* lands settlers are required, within three months after date of receipt at the District Land Office, of the approved plat of the township embracing their claims, to file their Declaratory Statement with the Register of the proper land office, and thereafter to make proof and payment for the tract within eighteen months from the expiration of said three months.

Where settlers claim Pre-emption rights under the aforesaid special Act of March 27, 1854, U. S. Statutes, vol. 10, page 269, they are now required to file Declaratory Statements, and make proof and payment in like manner as other Pre-emptors.

The Act of March 3, 1843, prohibits a second filing of a Declaratory Statement by any Pre-emptor qualified at the date of his first filing where said filing has been in all respects legal. Where the first filing, however, is illegal from any cause, he has the right to make a second and legal filing.

LAWS EXTENDING THE HOMESTEAD PRIVILEGE.

13. The original Homestead Act of May 20th, 1862, gives to every citizen, and to those who had declared their intentions to become such, the right to a Homestead on *surveyed* lands. This is conceded to the extent of one quarter-section, or 160 acres at \$1.25 per acre, or 80 acres of double minimum in any *organized district* embracing *surveyed* public lands.

14. To obtain Homesteads the party must, in connection with his application, make an affidavit before the Register or Receiver that he is over the age of twenty-one, or the head of a family; that he is a citizen of the United States, or has declared his intention to become such, and that the entry is

made for his exclusive use and benefit and for actual settlement and cultivation.

15. Where the applicant has made actual settlement on the land he desires to enter, but is prevented by reason of bodily infirmity, distance or other good cause, from personal attendance at the District Land Office, the affidavit may be made before the clerk of the court for the county within which the land is situated.

16. The amendatory Act of 21st March, 1864, U. S. Statutes, vol. 13, page 35, relaxes the requirements of personal attendance at the District Office to persons in the military or naval service, *where the party's family*, or some member, *is residing on the land* that it is desired to enter, and upon which a *bona fide* improvement and cultivation had been made. In such cases the said Act of 1864 allows the beneficiary to make the affidavit before the officer commanding in the branch of service in which he may be engaged, and the same may be filed, by the wife or other representative of the absentee, with the Register, together with the Homestead Application.

His claim in that case will become effective from the date of filing, provided the required fee and commissions accompany the same; but immediately upon his discharge he must enter upon the land and make it his *bona fide* home, as required by the original Act of 20th May, 1862. The 25th section of the Act 15th July, 1870, so far modifies the original Homestead Act as to allow officers, soldiers, and sailors who have served in the army or navy of the United States for ninety days, and remained loyal to the government, to enter 160 acres, instead of 80 acres, double minimum lands. In all other respects the requirements of the original and amendatory Acts remain in force, *actual settlement and cultivation being in no case dispensed with*. Special affidavits are required in such cases. Congress has also enacted that any alien of the age of 21 years and upward, who has entered or shall enlist in the armies of the United States, and be honorably discharged therefrom, shall not be required to make any declaration of intention to become a citizen of the United States, and may upon his petition and on proof of honorable military service be admitted to full citizenship, after not less than one year's residence in the United States.

17. For Homestead entries on *surveyed* lands in MICHIGAN, WISCONSIN, IOWA, MISSOURI, MINNESOTA, KANSAS, NEBRASKA, DAKOTA, ALABAMA, MISSISSIPPI, LOUISIANA, ARKANSAS, and FLORIDA, fees are to be paid according to the following table:

ACRES.	PRICE PER ACRE.	COMMISSIONS.		FEEs.	TOTAL FEES AND COMMISSIONS.
		Payable when <i>entry is made.</i>	Payable when <i>certificate</i> <i>issues.</i>	Payable when <i>entry is made.</i>	
160	\$1 25	\$4 00	\$4 00	\$10 00	\$18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00
80	2 50	4 00	4 00	10 00	18 00
40	2 50	2 00	2 00	5 00	9 00

NOTE.—Where entries are made on \$2.50 lands by officers, soldiers, and sailors, under the Act 15th July, 1870, double the amount of the above rates must of course be paid; that is, for 160 acres of \$2.50, \$8.00 at date of entry, and \$8.00 upon proving up.

These rates will also apply to OHIO, INDIANA, and ILLINOIS, if any vacant tracts can be found liable to Homestead in those three States, where but very few isolated tracts of public land remain undisposed of.

18. In the PACIFIC *and other* POLITICAL DIVISIONS, viz: On *surveyed* lands in CALIFORNIA, NEVADA, OREGON, COLORADO, NEW MEXICO, and WASHINGTON, and in ARIZONA, IDAHO, UTAH, WYOMING, and MONTANA, the commissions and fees are to be paid according to the following table:

ACRES.	PRICE PER ACRE.	COMMISSIONS.		FEES.	TOTAL FEES AND COMMISSIONS.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$1 25	\$6 00	\$6 00	\$10 00	\$22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00
80	2 50	6 00	6 00	10 00	22 00
40	2 50	3 00	3 00	5 00	11 00

The note to the table under the 17th head applies also to this table of rates.

19. By the Act 21st June, 1866, U. S. Statutes, vol. 14, page 66, the public lands of ALABAMA, MISSISSIPPI, LOUISIANA, ARKANSAS, and FLORIDA are subject to disposal only under the provisions of the Homestead laws.

20. Upon payment of the fee and commissions in accordance with the table under the 17th head, the Receiver will issue his receipt therefor and furnish a duplicate to the claimant.

The matter will then be entered on their records and reported to the General Land Office.

21. An inceptive right is vested in the settler by such proceedings, and upon faithful observance of the law in regard to settlement and cultivation for the continuous term of five years; and at the expiration of that time, or within two years thereafter, upon proper proof to the satisfaction of the Land Officers, and payment to the Receiver, the Register will issue his certificate, and make proper returns to this office as the basis of a patent or complete title for the Homestead.

In making final proof, it is indispensable, under the statute, that the Homestead party shall appear in person at the District Land Office, and there make the affidavit required of him by law in support of his claim. Where from physical

NOTE.—The law is specific in requiring final proof to be made within *two years* after the expiration of the five years.

disability, distance, or other good cause, the *witnesses* of said party cannot attend in person at the District Office, their testimony in support of the claim may be taken where they reside, before an officer authorized by law to administer oaths.

Their testimony must state satisfactorily the reason of their inability to attend at the District Office; and the credibility and responsibility of the witnesses must be certified by the officiating magistrate, whose official character must be authenticated under seal.

The corroborating testimony thus prepared must be deposited with the Register and Receiver and filed with the affidavit of the Homestead party, and the decision of the Register and Receiver endorsed thereon as preliminary to the transmission of the same to the General Land Office.

22. Where a Homestead settler dies before the consummation of his claim, the widow, or in case of her death the heirs, may continue the settlement and cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up, the title passes to her; if she dies before proving up and the heirs make the proof, the title will vest in them.

Where both parents die leaving infant heirs, the Homestead may be sold for cash for the benefit of such heirs, and the purchaser will receive title from the United States.

23. The sale of a Homestead claim by the settler to another party before completion of title is not recognized by this office, and not only vests no title or equities in the purchaser, but would be *prima facie* evidence of abandonment, and might give cause for cancellation of the claim.

A party may relinquish his claim, but only to the Government; and in such cases should surrender his duplicate receipt, with a relinquishment endorsed thereon; or if the duplicate has been lost, that fact should be stated in the relinquishment, duly signed and acknowledged.

Where application is made for the cancellation of a Homestead entry on the ground of abandonment, the party must file his affidavit with the District Land Officers, setting forth the facts on which his allegations are founded, describing the tract and giving the name of the settler. Upon this the officers will set apart a day for hearing, giving all the parties on interest due notice of the time and place of trial.

After the trial the land officers will transmit the testimony, with their joint report, for the action of this office.

The expenses incident to such contest must be defrayed by the contestant, and no entry of the land can be made until the district officers have received notice from this office of the cancellation of the entry covering the same; nor does an informant obtain any privileges thereby. Such person must, if he desires the land, by proper diligence ascertain when notice of cancellation is received by Register and Receiver, and *then* make formal written application for the tract; the land, after reception by said officers of notice of cancellation, being always open to the *first legal applicant*, unless otherwise withdrawn from entry for any purpose.

24. As the law allows but one Homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry. But in case of the illegality of his entry he may make a second claim.

When an individual has made settlement on a surveyed tract and filed his Pre-emption Declaration therefor, he may change his filing into Homestead, yet such change is inadmissible where an adverse right has intervened; but in such cases the settler has the privilege of perfecting his title under the Pre-emption laws.

25. If the Homestead settler does not wish to remain five years on his tract, the law permits him to pay for it with cash or warrants, upon making proof of settlement and cultivation for a period not less than six months from the date of entry to the time of payment.

This proof of actual settlement and cultivation must be the affidavit of the party made before the district officers, corroborated by the testimony of two credible witnesses.

26. There is another class of Homesteads designated as "adjoining farm Homesteads." In these cases the law allows an applicant *owning* and *residing* on an *original* farm, to enter other land lying contiguous thereto, which shall not, with such farm, exceed in the aggregate 160 acres. Thus, for example, a party owning or occupying 80 *acres*, may enter 80 additional of \$1.25, or 40 acres of \$2.50 land. Or suppose the applicant to own 40 *acres*, then he may enter 120 acres at \$1.25, or 40 at \$1.25 with 40 at \$2.50, if both classes of land should be found contiguous to his original farm.

In entries of "adjoining farms" the settler must describe, in his affidavit, the tract he owns and is settled upon as his original farm. Actual residence on the tract entered as an adjoining farm is not required, but *bona fide* improvement and cultivation of it must be shown for the period required by the statute.

27. The Homestead and Pre-emption privilege is conceded to *Indians* who have voluntarily dissolved all connection with their tribes and no longer share in the annuities, or in exemptions, or in privileges secured to them by Acts of Congress or treaty stipulations. Special forms of affidavit with corroborative testimony are required in these cases, forms of which are attached—Nos. 10 and 11.

28. Lands obtained under the Homestead laws are exempted from liability for debts contracted prior to the issuing of patent therefor.

Copies of the Homestead laws are hereto annexed, marked E, F, and G, as also forms of affidavits and applications, numbered from one to twelve, required upon initiation of claims under the Pre-emption and Homestead Laws.

REGISTERS' AND RECEIVERS' RETURNS.

29. Within three days from the close of each month the District Land Officers are required to make out and transmit to the General Office a statement of the business of their respective offices for the preceding month.

These reports are in form of abstracts of declarations of settlements filed, abstracts of lands sold, abstracts of Homesteads entered, abstracts of military warrants and of agricultural college scrip located, accompanied by the certificates of purchase, Receiver's receipts, Homestead applications and affidavits, warrants, and agricultural college scrip, and certificates of location.

The abstracts are all to be critically examined and thereafter duly certified by Register and Receiver as correct and in conformity with the records and the papers, and that all agree with each other.

The Receiver is required also to render promptly a *monthly account of all the moneys received*, showing the balance due the Government at the close of each month.

At the end of every *quarter* he also must transmit a *quarterly* account as Receiver; upon the several accounts an adjustment is here made and submitted to the Treasury Department for final settlement.

He must also render a quarterly disbursing account of all moneys expended.

The Receiver is required to deposit the moneys received by him at some depository designated by the Secretary of the Treasury when the amount on hand shall have reached the sum of *two thousand dollars*; and in no case is he authorized, without special instructions, to hold a larger amount in his hands.

30. It is the duty of the Registers and Receivers to be in attendance at their offices, and give proper facilities and information to persons applying for lands.

31. A list of all the District Land Offices in the United States is hereto annexed.

32. Laws and instructions relating to mining claims form the subject of a separate circular.

JOS. S. WILSON,
Commissioner of the General Land Office.

[A.]

AN ACT to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights.

SEC. 10. *And be it further enacted*, That, from and after the passage of this act, every person, being the head of a family, or widow, or single man over the age of twenty-one years and being a citizen of the United States, or having filed his declaration of intention to become a citizen as required by the naturalization laws, who, since the first day of June, A. D. eighteen hundred and forty, has made, or shall hereafter make, a settlement in person on the public lands to which the Indian title had been, at the time of such settlement, extinguished, and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby, authorized to enter with the Register of the

land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land, subject, however, to the following limitations and exceptions: No person shall be entitled to more than one pre-emptive right by virtue of this act; no person who is the proprietor of three hundred and twenty acres of land in any State or Territory of the United States, and no person who shall quit or abandon his residence on his own land to reside on the public land in the same State or Territory, shall acquire any right of pre-emption under this act; no lands included in any reservation, or by any treaty, law, or proclamation of the President of the United States, or reserved for salines, or for other purposes; no lands reserved for the support of schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana, or which may be acquired of the Wyandot tribe of Indians in the State of Ohio, or other Indian reservation to which the title has been or may be extinguished by the United States at any time during the operation of this act; no sections of land reserved to the United States alternate to other sections granted to any of the States for the construction of any canal, railroad, or other public improvement; no sections or fractions of sections included within the limits of any incorporated town; no portions of the public lands which have been selected as the site for a city or town; no parcel or lot of land actually settled and occupied for the purpose of trade and not agriculture; and no lands on which are situated any known salines or mines,—shall be liable to entry under and by virtue of the provisions of this act. And so much of the proviso of the act of twenty-second of June, eighteen hundred and thirty-eight, or any order of the President of the United States, as directs certain reservations to be made in favor of certain claims under the treaty of Dancing Rabbit Creek, be, and the same is here by repealed: *Provided*, That such repeal shall not affect any title to any tract of land secured in virtue of said treaty.

SEC. 11. *And be it further enacted*, That when two or more persons shall have settled on the same quarter section

of land, the right of pre-emption shall be in him or her who made the first settlement, provided such persons shall conform to the other provisions of this act; and all questions as to the right of pre-emption arising between different settlers shall be settled by the Register and Receiver of the district within which the land is situated, subject to an appeal to and a revision by the *Secretary of the Treasury [Interior] of the United States.

SEC. 12. *And be it further enacted*, That prior to any entries being made under and by virtue of the provisions of this act, proof of the settlement and improvement thereby required shall be made to the satisfaction of the Register and Receiver of the land district in which such lands may lie, agreeably to such rules as shall be prescribed by the Secretary of the Treasury [Interior], who shall each be entitled to receive 50 cents from each applicant for his services, to be rendered as aforesaid; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 13. *And be it further enacted*, That before any person claiming the benefit of this act shall be allowed to enter such lands, he or she shall make oath before the Receiver or Register of the land district in which the land is situated (who are hereby authorized to administer the same,) that he or she has never had the benefit of any right of pre-emption under this act; that he or she is not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor hath he or she settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to his or her own exclusive use or benefit; and that he or she has not directly, or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he or she might acquire from the government of the United States should inure in whole or in part to the benefit of any person except himself or herself; and if any person taking such oath shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury, and shall

* Appellate power vested in Commissioner of the General Land Office, See 10th sec. act 12th June, 1858, [Statutes, vol. 11, p. 326.]

forfeit the money which he or she may have paid for said land, and all right and title to the same; and any grant or conveyance which he or she may have made, except in the hands of *bona fide* purchasers, for a valuable consideration, shall be null and void. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land office of such district, and to transmit a duplicate copy to the General Land Office; either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 14. *And be it further enacted*, That this act shall not delay the sale of any of the public lands of the United States beyond the time which has been, or may be, appointed by the proclamation of the President; nor shall the provisions of this act be available to any person or persons who shall fail to make the proof and payment, and file the affidavit required, before the day appointed for the commencement of the sales as aforesaid.

SEC. 15. *And be it further enacted*, That whenever any person has settled or shall settle and improve a tract of land subject at the time of settlement to private entry, and shall intend to purchase the same under the provisions of this act, such person shall, in the first case, within three months after the passage of the same, and in the last, within thirty days next after the date of such settlement, file with the Register of the proper district a written statement describing the lands settled upon, and declaring the intention of such person to claim the same under the provisions of this act; and shall, where such settlement is already made, within twelve months after the passage of this act, and where it shall hereafter be made, within the same period after the date of such settlement, make the proof, affidavit, and payment herein required; and if he or she shall fail to file such written statement as aforesaid, or shall fail to make such affidavit, proof, and payment within the twelve months aforesaid, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Approved September 4, 1841.

[B.]

AN ACT to authorize the investigation of alleged frauds under the pre-emption laws and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he hereby is, authorized to appoint a competent agent whose duty it shall be, under direction of said Commissioner, to investigate, upon oath, the cases of fraud under the pre-emption laws alleged to exist in the Columbus land district, in the State of Mississippi, referred to in the late annual report of said Commissioner, communicated to Congress by letter of the Secretary of the Treasury dated December the fifteenth, one thousand eight hundred and forty-two; and that such agent shall examine all witnesses who may be brought before him by the individual or individuals alleging the fraud, as well as those witnesses who may be produced by the parties in interest to sustain said claims; and that he be, and is hereby invested with power to administer to such witnesses an oath to speak the truth in regard to any question which may be deemed necessary to the full examination of the cases so alleged to be fraudulent; and such testimony shall be reduced to writing, and subscribed by each witness, and the same returned to the Commissioner, with the opinion of said agent on each claim; and any witness so examined before the said agent, who shall swear willfully and falsely in regard to any matter or thing touching such examination, shall be subject, on conviction, to all the pains and penalties of perjury; and it shall be the duty of the Commissioner to decide the cases thus returned, and finally to settle the matter in controversy, subject alone to an appeal to the Secretary of the Treasury: *Provided*, That the power conferred by this section upon such agent is hereby limited to the term of one year from and after the date of this act; and the compensation to be paid to said agent shall not exceed three dollars per day for each day he may be necessarily engaged in the performance of the duties required by this section.

SEC. 2. *And be it further enacted*, That in any case where a party entitled to claim the benefits of any of the pre-emp-

tion laws shall have died before consummating his claim by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same: *Provided*, That the entry in such cases shall be made in favor of "the heirs" of the deceased pre-emptor, and a patent thereon shall cause the title to inure to said heirs as if their names had been specially mentioned.

SEC. 3. *And be it further enacted*, That every settler on section sixteen, reserved for the use of schools, or on other reserves or land covered by private claims of others, which was not surveyed at the time of such settlement, and who shall otherwise come within the provisions of the several pre-emption laws in force at the time of the settlement, upon proof thereof before the Register of the proper land office, shall be entitled to enter, at the minimum price, any other quarter section, or fractional section, or fractional quarter section, in the land district in which such school section or reserve or private claim may lie, so as not to exceed one hundred and sixty acres, not reserved from sale or in the occupancy of any actual *bona fide* settler: *Provided*, Such settlement was made before the date of the Act of fourth September, eighteen hundred and forty-one, and after the extinguishment of the Indian title.

SEC. 4. *And be it further enacted*, That where an individual has filed, under the late pre-emption law, his declaration of intention to claim the benefits of said law for one tract of land, it shall not be lawful for the same individual at any future time to file a second declaration for another tract.

SEC. 5. *And be it further enacted*, That claimants under the late pre-emption law, for land not yet proclaimed for sale, are required to make known their claims, in writing, to the Register of the proper land office, within three months from the date of this act when the settlement has been already made, and within three months from the time of the settlement when such settlements shall hereafter be made, giving the designation of the tract and the time of settlement; otherwise his claim to be forfeited, and the tract awarded to the next settler, in the order of time, on the same tract of land, who shall have given such notice and otherwise complied with the conditions of the law.

SEC. 6. *And be it further enacted*, That whenever the vacancy of the office either of Register or Receiver, or of both, shall render it impossible for the claimant to comply with any requisition of any of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming in respect to any matter essential to the establishment of his claim: *Provided*, That such requisition is complied with within the same period after the disability is removed as would have been allowed him had such disability not existed.

SEC. 7. *And be it further enacted*, That where a settler on the public lands may reside on a quarter section, a fractional quarter section, or a fraction of a section less than one hundred and sixty acres, and cultivated land on any other and different tract of either of the descriptions aforesaid, he or she shall be entitled, under the Act of June twenty-second, one thousand eight hundred and thirty-eight, to the same privileges of a choice between two legal subdivisions of each, so as to include his or her house and farm, not to exceed one hundred and sixty acres in all, as is granted by the first section of that Act to settlers residing on a quarter section, and cultivating on another and different quarter.

SEC. 8. *And be it further enacted*, That where two or more persons are residing on any of the species of tracts specified in section seven of this Act, as required by the Acts of the twenty-second of June, one thousand eight hundred and thirty-eight, and the first of June, one thousand eight hundred and forty, and any one or more of said settlers may have cultivated land during the period of residence required by either of said Acts on another and different tract, or other and different tracts, the latter mentioned settlers shall be entitled to the option of entering the tract lived on, jointly with the other or others, or of abandoning the tract lived on to those who have not cultivated land as above required, and entering the tract or tracts cultivated, so as not to exceed one hundred and sixty acres to any one settler, who, by virtue of this section, is entitled to a separate entry; or such joint settlers may jointly enter the tract so jointly occupied by them, and, in addition, enter other contiguous unoccupied lands, by legal subdivisions, so as not to exceed one hundred and sixty acres in all to each of such joint settlers: *Provided*,

That the extended privileges granted to pre-emptors by this act shall not be construed to deprive any other actual settler of his or her previous and paramount right of pre-emption, or to extend to lands reserved for any other purpose whatever.

SEC. 9. *And be it further enacted*, That all persons coming within the tenth section of the Act of the fourth of September, eighteen hundred and forty-one, entitled "An Act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," shall be entitled to the right of pre-emption under its provisions, notwithstanding such persons claiming the pre-emption shall have settled upon and improved the lands claimed before the same were surveyed: *Provided*, Such settlements were made before the date of the aforesaid Act, and after the extinguishment of the Indian title. And said Act shall not be so construed as to preclude any person who may have filed a notice of intention to claim any tract of land by pre-emption, under said Act, from the right allowed by law to others to purchase the same by private entry after the expiration of the right of pre-emption.

Approved March 3, 1843.

[C.]

AN ACT to extend pre-emption rights to certain lands therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pre-emption laws of the United States, as they now exist, be, and they are hereby extended over the alternate reserved sections of public lands along the lines of all the railroads in the United States, wherever public lands have been, or may be, granted by Acts of Congress; and that it shall be the privilege of the persons residing on any of said reserved lands, to pay for the same in soldiers' bounty land warrants, estimated at a dollar and twenty-five cents per acre, or in gold and silver, or both together, in preference to any other person, and at any time before the same shall be offered for sale at auction: *Provided*, That no person shall be entitled to the benefit of this Act who has not settled and

improved, or shall not settle and improve, such lands prior to the final allotment of the alternate sections to such railroads by the General Land Office: *And provided further*, That the price to be paid shall, in all cases, be two dollars and fifty cents per acre, or such other minimum price as is now fixed by law, or may be fixed, upon lands hereafter granted; and no one person shall have the right of pre-emption to more than one hundred and sixty acres: *And provided further*, That any settler who has settled, or may hereafter settle, on lands heretofore reserved on account of claims under French, Spanish, or other grants which have been, or shall be, hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by this Act and the Act of fourth September, eighteen hundred and forty-one, entitled "An Act to appropriate the proceeds of the public lands and to grant pre-emption rights," after the lands shall have been released from reservation, in the same manner as if no reservation existed.

Approved March 3, 1853.

[D.]

AN ACT for the relief of settlers on lands reserved for railroad purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every settler on public lands which have been, or may be, withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption, at the ordinary minimum, to the lands settled on and cultivated by them: *Provided*, They shall prove up their rights according to such rules and regulations as may be prescribed by the Secretary of the Interior, and pay for the same before the day that may be fixed by the President's proclamation for the restoration of said lands to market.

Approved March 27, 1854.

(E.)

AN ACT to establish a land office in Colorado Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands belonging to the United States to which the Indian title has been or shall be extinguished, shall be subject to the operations of the pre-emption act of the 4th September, 1841, and under the conditions, restrictions, and stipulations therein mentioned: *Provided however,* That when unsurveyed lands are claimed by pre-emption, notice of the specific tracts claimed shall be filed within six months after the survey has been made in the field; and on failure to file such notice, or to pay for the tract claimed within twelve months from the filing of such notice, the parties claiming such lands shall forfeit all right thereto, provided, said notices may be filed with the Surveyor General, and to be noted by him on the township plats, until other arrangements have been made by law for that purpose.

* * * * *

Approved June 2, 1862.

(F.)

AN ACT to secure homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty one years and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject

to pre-emption, at one dollar and twenty-five cents or less per acre; or eighty acres or less of such unappropriated lands at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2 *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the Register of the land office in which he or she is about to make such entry, make affidavit before the said Register or Receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever, and upon filing the said affidavit with the Register or Receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or, if he be dead, his widow; or, in case of her death, his heirs or devisee; or, in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, or in other cases provided by

law; *And provided further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the Register of the land office shall note all such applications on the tract books and plats of his office, and keep a Register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the Register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the Registers and Receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid

by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued ; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any Register or Receiver ; *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights : *And provided further*, That all persons who may have filed their application for a pre-emption right prior to the passage of this act shall be entitled to all the privileges of this act : *Provided further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An Act in addition to an Act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting pre-emption rights.

Approved May 20, 1862.

[G.]

AN ACT amendatory of the Homestead law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

in case of any person desirous of availing himself of the benefits of the homestead act of twentieth May, eighteen hundred and sixty-two, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the said act of twentieth May, eighteen hundred and sixty-two requires, and whose, family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, it shall and may be lawful for such person to make the affidavit required by said act before the officer commanding in the branch of the service in which the party may be engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the Register or Receiver; and upon such affidavit being filed with the Register by the wife, or other representative of the party, the same shall become effective from the date of such filing, provided the said application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2. *And be it further enacted*, That, besides the ten-dollar fee exacted by the said act, the homestead applicant shall hereafter pay to the Register and Receiver each, as commissions at the time of entry, one per centum upon the cash price as fixed by law of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued as the basis of a patent.

SEC. 3. *And be it further enacted*, That in any case hereafter in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, it shall and may be lawful for him to make the affidavit required by the original statute before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the Register and Receiver.

SEC. 4. *And be it further enacted*, That in lieu of the fee allowed by the twelfth section of the pre-emption act of fourth of September, eighteen hundred and forty-one, the

Register and Receiver shall each be entitled to one dollar for their services in acting upon pre-emption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words, for the testimony which may be reduced by them to writing for claimants in establishing pre-emption or homestead rights; the regulations for giving proper effect to the provisions of this act to be prescribed by the Commissioner of the General Land Office.

SEC. 5. *And be it further enacted*, That where a pre-emptor has taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land office to make, before the Register or Receiver, the affidavits required by the thirteenth section of the Pre-emption act of fourth of September, eighteen hundred and forty-one, the time for filing such affidavit and making final proof and entry of location shall be extended six months after the expiration of his term of service, upon satisfactory proof, by affidavit or the testimony of witnesses, that the said pre-emptor is so in the service, being filed with the Register of the land office for the district in which his settlement is made.

SEC. 6. *And be it further enacted*, That the Registers and Receivers in the State of California, in the State of Oregon, and in the Territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per centum of said fees and allowances as compensation for their services: *Provided*, That the salary and fees allowed any Register or Receiver shall not exceed in the aggregate the sum of three thousand dollars per annum.

Approved March 21, 1864.

(H.)

AN ACT for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Be it further enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That from and after the passage of this act, all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of according to the stipulations of the homestead law of twentieth May, eighteen hundred and sixty-two, entitled "An Act to secure homesteads to actual settlers on the public domain," and the acts supplemental thereto, approved twenty-first of March, eighteen hundred and sixty-four, but with this restriction, that until the expiration of two years from and after the passage of this act, no entry shall be made for more than a half quarter section, or eighty acres; and in lieu of the sum of ten dollars required to be paid by the second section of said act, there shall be paid the sum of five dollars at the time of the issuing of each patent; and that the public land in said States shall be disposed of in no other manner after the passage of this act: *Provided*, That no distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *And provided further*, that no mineral lands shall be liable to entry and settlement under its provisions.

SEC. 2. *And be it further enacted*, That section second of the above-cited homestead law, entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, be so amended as to read as follows: That the person applying for the benefit of this act shall, upon application to the Register of the land office in which he or she is about to make such entry, make affidavit before the said Register or Receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the Register or Receiver, and on payment of five dollars, when the entry is not more than eighty acres, he or she shall thereupon be permitted to enter the amount of land specified: *Provided however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if

at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead, his widow, or in case of her death, his heirs or devisee, or, in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he will bear true allegiance to the government of the United States,—then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *And provided further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money herein specified: *Provided*, That until the first day of January, eighteen hundred and sixty-seven, any person applying for the benefit of this act shall, in addition to the oath hereinbefore required, also make oath that he has not borne arms against the United States, or given aid and comfort to its enemies.

SEC. 3. *And be it further enacted*, That all the provisions of the homestead law, and the act amendatory thereof, approved March twenty-first, eighteen hundred and sixty-four, so far as the same may be applicable, except so far as the same are modified by the preceding sections of this act, are applied to and made part of this act as fully as if herein enacted and set forth.

Approved June 21, 1866.

(1.)

\$ LAND OFFICE at , 18 .
 Mr. has this day paid dollars, the Register's
 and Receiver's fees, to file a Declaratory Statement, the re-
 ceipt whereof is hereby acknowledged.
 , Receiver.

No.

Mr. having paid the fees, has this day filed in this
 office his Declaratory Statement, No. , for , section
 , township , of range , containing acres,
 settled upon 18 , being offered.
 , Register.

(2)

DECLARATORY STATEMENT FOR CASES WHERE THE LAND IS NOT SUBJECT TO PRIVATE ENTRY.

I, , of being , have, on the day
 of , A. D. 18 , settled and improved the quar-
 ter section number , in township number , of range
 number , in the district of lands subject to sale at the
 land office at , and containing acres, which land
 has not yet been offered at public sale, and thus rendered
 subject to private entry; and I do hereby declare my inten-
 tion to claim the said tract of land as a pre-emption right,
 under the provisions of said Act of 4th September, 1841.

Given under my hand this day of , A. D. 18 .
 In presence of .

(3.)

FOR CASES WHERE THE LAND CLAIMED SHALL HAVE BEEN RENDERED SUBJECT TO PRIVATE ENTRY SINCE THE DATE OF THE LAW.

I, , of , being , have, since the
 first day of , A. D. 18 , settled and improved the

quarter of section number , in township number , of range number , in the district of lands subject to sale at the land office at , and containing acres, which land *has been rendered subject to private entry since* the passage of the Act of 4th September, 1841, but prior to my settlement thereon; and I do hereby declare my intention to claim the said tract of land as a pre-emption right, under the provisions of said Act of 4th September, 1841.

Given under my hand this day of , A. D. 18 .

In presence of .

(4.)

AFFIDAVIT REQUIRED OF PRE-EMPTION CLAIM- ANT.

, claiming the right of pre-emption under the provisions of the Act of Congress, entitled "An Act to appropriate the proceeds of the sale of the public lands, and to grant pre-emption rights," approved September 4, 1841, to the quarter of section number , of township number , of range number , subject to sale at , do solemnly that I have never had the benefit of any right of pre-emption under this act; that I am not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my own exclusive use or benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except myself.

I, , of the Land Office at , do hereby certify that the above affidavit was taken and subscribed before me, this day of , A. D. 18 .

(5.)

We, _____, do solemnly swear that _____ is an inhabitant of the _____ quarter of section number _____, of township number _____, north of range number _____, and that no other person resided upon the said land, entitled to the right of pre-emption. That the said _____ entered upon and made a settlement in person on the said land since the _____ day of _____, A. D. 18____, to wit: on the _____ day of _____, 18____, and has lived in the said house, and made it his exclusive home, from the day of _____ 18____, till the present time. That he did not remove from his own land within the State of _____ to make the settlement above referred to; and that he has since said settlement ploughed, fenced, and cultivated about _____ acres of said land.

I, _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, A. D. 18____.

We certify that _____, whose name _____ subscribed to the foregoing affidavit, _____ person of respectability.

_____, *Register.*
_____, *Receiver.*

(6.)

HOMESTEAD.

APPLICATION }
No. _____ } LAND OFFICE at _____, 18____.
I, _____, of _____, do hereby apply to enter, under the provisions of the Act of Congress approved May 20, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," the _____ of section _____, in township _____, of range _____, containing _____ acres.

LAND OFFICE at _____, 18____.
I, _____, Register of the Land Office, do hereby certify that the above application is for Surveyed Lands of the

class which the applicant is legally entitled to enter under the Homestead Act of May 20, 1862, and that there is no prior, valid, adverse right to the same.

, Register.

(7.)

HOMESTEAD.

(Affidavit.)

LAND OFFICE at ,
(Date.) .

I, , of , having filed my Application No. for an entry under the provisions of the Act of Congress, approved May 20, 1862, entitled "An Act to secure Homesteads to actual settlers on the public domain," do solemnly swear, that [*Here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such: or, if under twenty-one years of age, that he has served not less than fourteen days in the army or navy of the United States during actual war; that said Application No. is made for his or her exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other persons whomsoever,*] and that I have not heretofore had the benefit of this Act.

Sworn to and subscribed, this day of , before .
[Register or Receiver] of the Land Office.

(8.)

MILITARY OR NAVAL HOMESTEAD.

APPLICATION }

No. } LAND OFFICE at , 18 -

I, , of , being in the service of the United States, do hereby apply to enter, under the provisions of the Act approved March 21, 1864, amendatory of the Homestead Act of May 20, 1862, and for other purposes, a certain tract of land, which is hereby authorized to

designate at the foot of this application, as my Homestead, and which I agree to hold as my own selection.

Attest : , Commanding Officer at .

I, , as named in the foregoing Application No. , do designate the tract selected for his Homestead as the of section , in township , of range , containing acres, and on which there is *bona fide* improvement and settlement, and on which I am residing and in charge for said applicant.

Witness my hand, this day of , 18 .

Attest : , Register.

LAND OFFICE at , 18 .
I, , Register of the Land Office, do hereby certify that the above application is for Surveyed Lands of the class which the applicant is legally entitled to enter under the Homestead Act of May 20, 1862, and that there is no prior, valid, adverse right to the same.

, Register.

(9.)

MILITARY OR NAVAL HOMESTEAD.

Amendatory Homestead Act of March 21, 1864.

AFFIDAVIT.

STATE OF , County of ,
[Date,]

I, , being now in the [military or naval service] of the United States, and proposing to file my application No. , for an entry under the provisions of the Act of Congress approved March 21, 1864, amendatory of the original Homestead Act of May 20, 1862, and for other purposes, do solemnly swear that [Here state whether applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his decla-

ration of intention of becoming such ; or, if under twenty-one years of age, that he has served not less than fourteen days in the army or navy of the United States during actual war ; that said Application No. is made for his or her exclusive benefit ; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever,] and that I have not heretofore had the benefit of this Act.

I further swear that I have made bona fide settlement and improvement upon the tract which [here give the name of representative] is authorized to designate as my Homestead.

Sworn to and subscribed, this day of , before , U. S. Commanding Officer of , at .
[Rank and service.]

(10.)

AFFIDAVIT—INDIAN HOMESTEAD OR PRE-EMPTION.

I , formerly of the tribe of Indians, do solemnly swear that I have voluntarily dissolved all connection with that tribe, and that it is bona fide my intention to forego all claim to or share in any of its annuities or benefits, and in good faith to perform the duties of a citizen of the United States.

(11.)

AFFIDAVIT IN SUPPORT OF INDIAN HOMESTEAD OR PRE-EMPTION.

I, , do solemnly swear that to the best of knowledge and belief , formerly of the tribe of Indians, has dissolved all connection with said tribe, and does not claim or share any of the annuities or benefits inuring to said tribe of Indians by treaty or otherwise, but is

performing all such duties as pertain to a citizen of the United States.

Witness :

Sworn and subscribed to before me this day of ,
18 .

(12)

AFFIDAVIT.

LAND OFFICE AT ,

(Date,)

I, , of , having filed my application No. for an entry under the provisions of the Act of Congress approved May 20, 1862, and desiring to avail myself of the 25th section of the Act of July 15, 1870, in regard to land held at the double minimum price of \$2.50 per acre, do solemnly swear that I am the identical who was a in the company * commanded by captain , in the regiment of , commanded by , in the war of 1861; that I continued in actual service for ninety days, and have remained loyal to the government; that said application No. is made for my exclusive benefit, and for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other other person or persons, and that I have not heretofore had the benefit of the Homestead Law.

Sworn to and subscribed before me this day of .

[Register or Receiver of the Land Office.]

* Where the party was a regimental or staff officer, or was in a different branch of the service, the affidavit must be varied in form according to the facts of the case.

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